

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
) CRIMINAL NO.:
CHE JARON DURBIN,) 1:20-cr-00210-GLR-2
)
Defendant.)
_____)

Baltimore, Maryland
December 19, 2022
9:30 a.m.

TRANSCRIPT OF PROCEEDINGS
SENTENCING HEARING
BEFORE THE HONORABLE GEORGE LEVI RUSSELL, III
Courtroom 7A

For the Plaintiff:

Christopher J. Romano, Esquire
Office of the United States Attorney
36 S. Charles Street, 4th Floor
Baltimore, MD 21201

For the Defendant:

Catherine Flynn, Esquire
Law Office of Catherine Flynn
217 North Charles Street
2nd Floor
Baltimore, MD 21201

Also Present: Jessica Jackson, Probation Officer
Michael Pecukaitis, U.S. Postal Inspector

(Computer-aided transcription of stenotype notes)

P R O C E E D I N G S

(9:30 a.m.)

THE COURT: You can have a seat everyone. Good morning. Mr. Romano, why don't you call the case for me, please.

MR. ROMANO: Thank you, Your Honor. Good morning. This is the matter of the United States versus Che Jaron Durbin. Representing the United States is Christopher Romano. Also present at counsel table is U.S. Postal Inspector Michael Pecukaitis, and we're here for Mr. Durbin's sentencing on Counts 1, 2 and 3 of the Indictment after he was found guilty at trial.

THE COURT: Very good. Ms. Flynn, good morning to you.

MS. FLYNN: Good morning, Your Honor. I'm Catherine Flynn; I represent Mr. Durbin who is seated to my left.

THE COURT: Mr. Durbin, good morning to you, sir.

THE DEFENDANT: Good morning. How are you doing?

THE COURT: Pursuant to the court's masking policies, everyone in the courtroom shall remain masked unless you're engaged in a speaking role and have been fully vaccinated. I have been fully vaccinated, and I am engaged in a speaking role, so as a result, I'm going to go ahead and remove my mask.

We are here for the purposes of sentencing. Mr.

1 Durbin was convicted on three counts of Conspiracy to
2 Distribute and Possess with Intent to Distribute Cocaine after
3 a jury trial.

4 Mr. Durbin, have you had the opportunity to view the
5 presentence report that was generated in this case?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Durbin, if you could please sit up
8 and speak clearly into the microphone. Have you had the
9 opportunity to speak with your attorney about the report?

10 THE DEFENDANT: Briefly.

11 THE COURT: I'm sorry?

12 THE DEFENDANT: Yes, I spoke with her briefly about
13 it.

14 THE COURT: Do you need more time to speak with her
15 about the report?

16 THE DEFENDANT: I don't believe so.

17 THE COURT: Ms. Flynn, have you had the opportunity
18 to review the report with your client?

19 MS. FLYNN: Yes, Your Honor, and I believe I sent a
20 copy to Mr. Durbin. Is that correct?

21 THE DEFENDANT: Yes.

22 MS. FLYNN: And we've had two or three visits since
23 then; is that correct?

24 THE DEFENDANT: Yes.

25 MS. FLYNN: All right. I just wanted to clarify, we

1 have spoken several -- quite a few times since I sent it to you
2 because this sentencing actually originally was scheduled in
3 September, I believe.

4 THE COURT: Right.

5 MS. FLYNN: And we moved it to today's date because I
6 was on a jury. So we've had several visits in between that
7 time; is that correct?

8 THE DEFENDANT: Yes.

9 THE COURT: Just to confirm, Mr. Durbin, you don't
10 need any additional time to review the presentence report with
11 your attorney? You're satisfied with your review of it as well
12 as your consultation with Ms. Flynn regarding the presentence
13 report; is that correct, sir?

14 THE DEFENDANT: I just have a few, like,
15 misunderstandings on a couple of the points that I received.

16 THE COURT: All right. Let me ask you this. I have
17 received sentencing memoranda from both the Government as well
18 as Ms. Flynn, and I did receive a self-represented defendant's
19 pro se supplement to the sentencing memoranda which you ended
20 up filing dated December 7, 2022, ECF No. 200. Is that what
21 you're referring to?

22 THE DEFENDANT: Yes.

23 THE COURT: And within the confines of that document,
24 I note that you contest several issues which would include a
25 two-level obstruction of justice enhancement because you assert

1 that you did not obstruct justice by testifying falsely at
2 trial. Is that correct, sir?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you contest you were an
5 organizer/leader of the organization as well; is that correct?

6 THE DEFENDANT: Yes, I contest that too.

7 THE COURT: Okay. Those two issues are the primary
8 issues regarding the sentencing guidelines; is that correct,
9 sir?

10 THE DEFENDANT: Yes.

11 THE COURT: And then, of course, you cite to a number
12 of factors related to your physical condition, your health
13 condition and other factors associated with the 3553(a) factors
14 in order to make an effort to have your sentence reduced; is
15 that correct, sir?

16 THE DEFENDANT: Yes.

17 THE COURT: In sum total, I've generalized the
18 contested issues as well as the arguments that you're seeking
19 to make as part of this sentencing; is that correct, sir?

20 THE DEFENDANT: Yes.

21 THE COURT: Ms. Flynn, I know that you've reviewed
22 his supplemental sentencing memoranda and I have reviewed yours
23 as well. Are there any -- do you believe that the Court has
24 adequately summarized the defendant's contested issues related
25 to this case and the arguments he is making regarding his

1 sentence?

2 MS. FLYNN: Yes, Your Honor.

3 THE COURT: Very well. Mr. Romano, I know you've
4 reviewed the sentencing memoranda as well. Has the Court sort
5 of generally captured the arguments that the defendant has
6 made?

7 MR. ROMANO: Your Honor, I believe that's
8 correct although there may be an issue with regard to drug
9 quantity because that does affect the base offense level. I
10 addressed that in my sentencing memo, and I'll be happy to
11 speak at the appropriate time about that as well.

12 THE COURT: Okay, very well.

13 MR. ROMANO: Otherwise, yes, the Court fairly
14 summarized both Ms. Flynn's argument and the pro se arguments
15 that the defendant filed as well. For the record, I did remove
16 my mask; I have been fully vaccinated and boosted.

17 THE COURT: Thank you. So I think the way we're
18 going to handle this is we're going to first start out with
19 the -- what the appropriate guidelines are in the case
20 according to the presentence report because those may be
21 contested. Counts 1, 2 and 3 are grouped, and pursuant to
22 3D1.1, Group 1, conspiracy and possession with intent to
23 distribute cocaine, the base offense level is 30 due to the
24 amount and type of narcotics involved. I believe the issues
25 were that he was charged with distribution of 5,000 grams of

1 cocaine as to Count 1 and then 500 grams of cocaine as to
2 Counts 2 and 3.

3 I'll certainly hear from the Government with regard
4 to the quantities indicated and to determine whether or not the
5 base offense level is appropriately 30.

6 MR. ROMANO: Thank you, Your Honor.

7 THE COURT: It's at least five kilograms of cocaine
8 associated with the defendant.

9 Then I'll hear from Ms. Flynn, and then we'll move to
10 each individual enhancement as well.

11 MR. ROMANO: Your Honor, the Government's position is
12 that the base offense level with regard to Count 1 is at least
13 five kilograms of cocaine which would be a base offense level
14 of 30. As the Court is familiar because you presided over the
15 trial, you heard testimony from a cooperating co-defendant,
16 Jameka Thompson, who testified that based on her multiple trips
17 between Tucson, Arizona and Harford County, Maryland, that she
18 transported upwards of 40 kilograms of cocaine.

19 Her testimony in large part was corroborated not just
20 by the quantity of drugs that were seized from her which was
21 over a kilo on the last stop, but as Your Honor will recall,
22 there were both airline records, hotel records, and rental car
23 records that showed a series of her trips from flying out from
24 Baltimore to Tucson and getting a rental car and driving back
25 where she indicated in her testimony that she was transporting

1 cocaine. She used both her credit card as well as the
2 defendant's credit card to rent those rental cars. We produced
3 those records which showed over 2,000 miles on each one of the
4 trips. And clearly she was not out there just for the weather.
5 She was out there to transport cocaine back.

6 In addition to her testimony and her acknowledgment
7 at the time that she appeared before Your Honor and pled guilty
8 that she was involved in a conspiracy of over five kilograms,
9 Your Honor also heard the guilty plea of Mr. Durbin's source of
10 supply, Jack Anderson, who likewise accepted responsibility and
11 indicated that his role in the conspiracy was in excess of five
12 kilograms of cocaine.

13 Also as Your Honor will recall from the testimony --
14 and the postal inspector is here as well -- the U.S. Postal
15 Inspection Service seized \$82,300 in currency, an amount that
16 the evidence showed was sufficient to pay for at least
17 four kilograms of cocaine. All of that coupled with the one
18 kilogram of cocaine that was seized in 2019 from the
19 defendant's mother's residence, addressed to a company that the
20 defendant had formed and was the majority stockholder, TRU
21 Homes LLC, along with the excess of a kilogram that was seized
22 from Jameka Thompson in 2020, that there were at least five
23 kilograms of cocaine involved in the conspiracy.

24 Now the jury's verdict form indicated as to Count 1
25 that there was at least 500 grams or more of cocaine. The

1 Court is not bound by that finding by the jury. More than 25
2 years ago, as the Supreme Court pointed out in *United States v.*
3 *Watts*, a case that I cited in my sentencing memo, that even a
4 jury's verdict of acquittal -- and we don't have an acquittal
5 here; we have a finding by a jury of a drug quantity but we
6 don't have an acquittal. But even a finding of acquittal, the
7 Supreme Court said does not prevent the sentencing court from
8 considering conduct that was involved in the charge as long as
9 the Court is satisfied by a preponderance of the evidence that
10 there was an amount in this case of five kilograms or more.

11 The Supreme Court in the *Watts* case relied upon the
12 statutory section of Title 18 §3661 which states that no
13 limitation shall be placed on the information concerning the
14 background, the character, or the conduct of the person
15 convicted of an offense for which the Court may receive and
16 consider for purposes of imposing the appropriate sentence; and
17 indeed that's echoed in the sentencing guidelines under §1B1.4
18 which says that the Court in determining the sentence to impose
19 within the guideline range or whether a departure is warranted,
20 that the Court may consider with that limitation any
21 information concerning the defendant's conduct unless otherwise
22 prohibited by law. The Supreme Court has made clear that it's
23 not prohibited by law.

24 And indeed I'm not going to belabor the point
25 further, but I cited in my sentencing memo cases from the

1 Fourth Circuit, *U.S. v. Ibanaga* and *United States v. Hayes*, for
2 that very principle that the standard of proof here is by
3 preponderance of evidence in order for the Court to find that
4 the amount of cocaine involved in this conspiracy was five
5 kilograms or more.

6 Accordingly, I'm asking the Court to make a
7 determination that the base offense level would be a base
8 offense level of 30, reflecting at least five kilograms of
9 cocaine.

10 As far as Counts 2 and 3, he was only charged in
11 those counts with 500 grams or more, as Your Honor obviously
12 recalls at the time that both of those drugs were seized in
13 2019 and 2020. In the one case it was a kilogram, and in the
14 2020 case when Jameka Thompson was arrested after the defendant
15 had gotten out from Tucson, had returned home, and she drove
16 back a couple days later, it was roughly 1.2 kilograms of
17 cocaine that were seized in connection with that. And that
18 forms the basis for Counts 2 and 3. But for Count 1, the
19 Government's position is that the overall arching conspiracy
20 reflected five kilograms or more which would be a base offense
21 level of 30.

22 So that's where we would start, and I'll address the
23 other issues once Ms. Flynn addresses this particular one.
24 Thank you, Your Honor.

25 THE COURT: Thank you very much. Ms. Flynn, I'll be

1 more than happy to hear from you.

2 MS. FLYNN: Thank you, Your Honor.

3 I gather, Your Honor, I should identify for the
4 record that I have been fully vaccinated, and I've taken off my
5 mask for purposes of addressing the Court.

6 THE COURT: Thank you.

7 MS. FLYNN: Your Honor, we're asking the Court to
8 consider the base offense level to be 24 which I believe
9 accurately reflects the verdict from the jury. Basically what
10 the Government is asking you to do is to ignore the fact that
11 the jury had the opportunity to convict Mr. Durbin of the
12 quantity that the Government was identifying and they chose not
13 to. All of the evidence that was presented regarding the
14 quantity was speculative. Let's start with Ms. Thompson's
15 testimony.

16 She speculated, she was estimating the quantity that
17 she believed she was responsible for. She didn't identify that
18 "On every given trip this is how much I picked up, this is how
19 much money was involved." She didn't testify with specificity
20 as to how she reached that number.

21 So the Government is asking Your Honor to basically
22 ignore the jury's verdict and go down that path of speculation
23 of what Mr. Durbin may or may not have been responsible for.
24 There was not any objective evidence, any tangible evidence of
25 the specific quantity here which I suspect is why the jury

1 rendered the verdict that they did.

2 So while I understand that the Court is allowed to
3 basically ignore the jury's verdict and their deliberation and
4 find by a preponderance of the evidence, in spite of the jury's
5 verdict, of certain quantity in this particular case, the
6 evidence that supports that argument is pure speculation. So
7 the jury had the option of convicting him of more than five
8 kilograms; they chose not to. They convicted him of possession
9 with intent to distribute 500 grams or more of cocaine, and I
10 believe that the proper designation of the base offense level
11 under those circumstances would be a 24.

12 So when the Government is arguing that you can take
13 into account Mr. Durbin's conduct, that was conduct that would
14 have been testified to by a cooperating co-conspirator who
15 received a significant benefit as a result of her testimony,
16 and the Government is also asking you to rely on a plea
17 agreement for a co-defendant who did not testify. So we had no
18 opportunity to challenge the conclusions that were in the
19 statement of facts that he was asked to plead to. So I don't
20 think it's appropriate for the Court to take into account
21 Mr. Anderson's plea agreement given the fact that there was no
22 opportunity to challenge that.

23 We did have an opportunity to challenge
24 Ms. Thompson's testimony and point out to the jury that she was
25 not a reliable witness, and I can only speculate that that's

1 why the jury reached the conclusion that they did. While I
2 understand the Court is allowed to ignore the conclusion of the
3 jury, I don't believe under these circumstances that would be
4 appropriate. In addition, obviously the Court did have an
5 opportunity to hear from Mr. Durbin, and the link between
6 Ms. Thompson's alleged activities and Mr. Durbin were basically
7 solely based on her testimony, and she received a significant
8 sentencing reduction as a result of that.

9 So it is our position that the proper base offense
10 level is a 24.

11 THE COURT: Thank you. Any reply from you,
12 Mr. Romano?

13 MR. ROMANO: Just briefly, Your Honor. We still have
14 the \$82,300 which there was testimony from the Government's
15 witnesses, law enforcement officers, that that was back in that
16 time when that money was seized from the mailing by Mr. Durbin
17 to Jack Anderson out in Arizona, that that was basically the
18 going rate for four kilos of cocaine. So it's not, with all
19 due respect to Ms. Flynn, it's not speculation. She's
20 speculating as to why the jury returned the verdict that it
21 did.

22 But we're not asking the Court to speculate. We're
23 asking the Court to look at the case in totality. Also the
24 Court, just like we say to the jury, can rely on its own common
25 sense that Mr. Durbin, who flew out multiple times to Arizona,

1 and Ms. Thompson, who flew out to Arizona and then drove back,
2 wouldn't be driving back for an ounce, two ounces of cocaine.
3 That just defies credibility in terms of what was going on
4 here.

5 So we have her testimony. In addition, we have the
6 multiple trips by her, as well as we have the airline records
7 and car rental records from Mr. Durbin going out there that
8 clearly show that there was an ongoing and a significant, a
9 significant effort to obtain cocaine to bring it back here to
10 Maryland. So we have all that coupled with the money that I
11 think the Court can very well find by a preponderance of
12 evidence that it's not 500 grams. I can speculate as to why
13 the jury came back with 500 grams because they saw one kilogram
14 and then they saw another kilogram. They saw the one that was
15 concealed in that doll and then the other one.

16 So if I want to engage in the same type of
17 speculation as Ms. Flynn, the jury could very well have said,
18 okay, maybe they don't understand that for the conspiracy, it's
19 not just the drugs that were actually seized but what the
20 entire underlying conspiracy was involved in and what the
21 effort was. But we don't need to speculate and we're not
22 asking the Court to speculate.

23 We're asking the Court to look at the evidence in
24 total, apply a preponderance of evidence, utilizing that
25 evidence as well as a finding by the Court with regard to just

1 common sense that you don't make those 2,000-mile trips back
2 multiple times. We're not talking about one time, we're not
3 talking about two times. The records show multiple trips to
4 establish that the object of this conspiracy was at least
5 five kilograms. Thank you, Your Honor.

6 THE COURT: Thank you very much.

7 Pending before the Court is a contested issue
8 regarding the amount and type of narcotics involved in a drug
9 conspiracy subsequent to the defendant's conviction despite the
10 jury verdict that they did indeed check the box under 500 grams
11 or more of cocaine. The Court is convinced by a preponderance
12 of the evidence that the appropriate offense level is base
13 offense level of 30 pursuant to 2D1.1(a)(5) and (c)(5).

14 The collective evidence put forth at trial
15 demonstrates that as a result of seizures, transportation
16 records, credit card receipts, co-conspirator testimony, as
17 well as cash seized, that the defendant was involved in, at the
18 very least, five kilograms of cocaine and a conspiracy to
19 manufacture, import or possess with intent to distribute
20 cocaine in that particular quantity. As a result, I will go
21 ahead and find that the base offense level is 30.

22 It appears that the next contested issue is whether
23 or not the defendant was an organizer or leader. Mr. Romano,
24 if you'd like, I certainly can hear from you on that, but I
25 think your sentencing memoranda outlines that as well, but I'll

1 be more than happy to hear from you.

2 MR. ROMANO: Thank you, Your Honor, just briefly.
3 The Government is requesting a four-level increase pursuant to
4 §3B1.1(a) that the defendant was an organizer or leader. The
5 members of the conspiracy included, but weren't limited to, the
6 defendant; Jack Anderson; Jameka Thompson; Terrell Walton, the
7 co-defendant who went to trial; Gerrick Jackson, who the
8 wiretap calls between Mr. Durbin and Mr. Jackson showed
9 multiple, multiple contacts with Mr. Jackson ordering
10 quantities of cocaine and crack cocaine. There were all these
11 references to scale and half time and all of that which weren't
12 for personal use. They were for resale, given the amounts
13 requested, the frequency with the amounts requested. So he was
14 clearly part and parcel of the conspiracy. So there's five
15 people right there.

16 Then we have the other individuals that Mr. Durbin
17 was supplying, some of which was for personal use, some of
18 which was for resale. So it's clear that he was an organizer
19 or leader. He sent Jameka Thompson out there to Tucson to
20 obtain the cocaine and bring it back here so that it could be
21 resold.

22 In summary, the Government believes that the
23 defendant was, in fact, an organizer, a leader and a
24 resupplier, if you will, of the cocaine, and for those reasons,
25 the four-level increase is warranted.

1 THE COURT: On top of that, he sent the package to
2 his mother's address. I don't know whether or not she was
3 involved in the circumstance, but his mother's address was the
4 delivery destination for, I believe, the money.

5 MR. ROMANO: Actually the mother's address was used
6 in two capacities. One, the Court will recall he was hanging
7 outside waiting for the postal guy to show up, and when the
8 postal guy -- he actually almost ran to him to get that package
9 and bring it into mom's apartment there in Aberdeen; it was
10 addressed to TRU Homes, not to his mother.

11 THE COURT: Right.

12 MR. ROMANO: And, you know, I would hope that he
13 wouldn't intentionally make his mother part of the conspiracy,
14 but certainly he used that address to facilitate that. And
15 then the money was actually mailed from him using, in this
16 case, his actual name and if you remember, the drugs when they
17 came out, Jack Anderson sent them in a fake name but about two
18 doors down from his house. But when it came time for the
19 money, like a Jerry Maguire, "show me the money," they mailed
20 it to Jack Anderson, using Jack Anderson's real name and real
21 address. Of course, notwithstanding both of those things had
22 gotten intercepted by the Postal Inspection Service so it never
23 made it to Jack Anderson.

24 But, yes, it just goes to show the lengths at which
25 he went to try and obtain the cocaine. Once it got here, the

1 distribution levels through Terrell Walton and Gerrick Jackson
2 and others. So I think there's ample, ample evidence to
3 support the four-level increase for the role in the offense.
4 Thank you.

5 THE COURT: Thank you. Ms. Flynn, I'll hear from you
6 if you'd like.

7 MS. FLYNN: Your Honor, frankly, my argument is going
8 to dovetail with the anticipated Government's request for the
9 two-level increase for obstruction of justice because I'm
10 relying on Mr. Durbin's testimony in making my argument.

11 THE COURT: Understood.

12 MS. FLYNN: The two go hand in hand.

13 THE COURT: And then I'll just give Mr. Romano a
14 brief opportunity to reply to both, and then I'll rule on
15 both.

16 MS. FLYNN: All right. Your Honor, we would object
17 to -- I'm jumping forward. We would object to the four-level
18 enhancement for the role in the offense as well as the
19 two-level enhancement for the allegation of obstruction of
20 justice. Your Honor heard obviously the entire trial. You
21 heard Mr. Durbin's testimony. He explained that he was not
22 involved in this conspiracy, that he was involved in selling
23 marijuana and that he was involved in the illegal sale of
24 vehicles, getting them from the Southwest, that the vehicles
25 were sold across the border; that when they raided his house,

1 there was documentation of false vehicle titles, all sorts of
2 documentation that indicated that there was this, I guess,
3 illegal sale of car activity.

4 He testified that that's what he was involved with;
5 that the activities of Jameka Thompson and Jack Anderson, while
6 Mr. Durbin had introduced them, he didn't have anything to do
7 with the ongoing activities that those people were involved
8 with and that his phone calls and the connections to these
9 other alleged co-conspirators, he indicated that he was selling
10 marijuana, not cocaine. So he denies the allegations in this
11 case and he denies that his testimony was untruthful.

12 THE COURT: Right, okay.

13 MS. FLYNN: So I would object to both enhancements.

14 THE COURT: Very good. Mr. Romano, I'll hear from
15 you if you like.

16 MR. ROMANO: Thank you, Your Honor. Your Honor, the
17 Government is seeking under sentencing guideline §3C1.1 a
18 two-level enhancement for obstruction. That section under
19 3C1.1 provides that if a defendant willfully obstructed,
20 impeded or attempted to obstruct or impede the administration
21 of justice with respect to an investigation, prosecution or
22 sentencing, then the Court may very well include a two-level
23 enhancement for obstruction.

24 While the Government understands the defendant has a
25 constitutional right to testify in his defense, he doesn't have

1 a constitutional right to "test-i-lie" and that's what he did
2 here. He took the stand and said, "I'm not trafficking in
3 cocaine; I'm trafficking in marijuana." No evidence of
4 marijuana, no evidence of marijuana being seized. What came to
5 Mom's house wasn't marijuana; it was cocaine. What Jameka
6 Thompson brought back -- and let's again look at that scenario
7 in May of 2020.

8 He flies out there, she flies out there. We see them
9 both on the surveillance. She's meeting with Jack Anderson.
10 He's picking her up at the airport and bringing her to Jack
11 Anderson. She starts to leave in one vehicle, comes back,
12 meets again with Jack Anderson, obtains more cocaine and drives
13 back. The defendant says, "Well, that was between Jack
14 Anderson and Jameka Thompson." Jameka Thompson had no record
15 until --

16 THE COURT: She had a job, she had a place. She had
17 a family to support.

18 MR. ROMANO: Right. She got kicked off a post.

19 THE COURT: She lost everything.

20 MR. ROMANO: She did and the reason she did was -- if
21 you'll recall too she was even, after she was arrested and she
22 was in Harford County -- and this kind of goes towards the
23 sentencing issues that I'll touch on in a minute -- she's told
24 not to have contact with him. She's already out, they released
25 her, and she's still calling him while he's locked up in the

1 Harford County Detention Center. So she gets yanked back in
2 the detention center because she's in violation of her pretrial
3 conditions. Even when she's in there, she's still trying to
4 call him. Why? Because, as she said, she loved him.

5 THE COURT: There was this whole scheme to get
6 married.

7 MR. ROMANO: Oh, yeah. They were going to get
8 married. For reasons we don't need to go into, that didn't
9 happen. But the defendant used her. He used her to facilitate
10 his drug business. Whether he really had feelings for her or
11 not doesn't matter. What he did do is he involved a woman who
12 had no prior criminal record to do his dirty work.

13 As Your Honor indicated, she lost everything. She
14 had a master's degree. In fact, Ms. Flynn was trying to
15 cross-examine her that she was the brains behind the outfit
16 here because she had the master's degree, and she was the one
17 with Jack Anderson that was doing all of this. And the
18 defendant, "Oh, okay, yeah, I was selling some stolen cars."
19 But that's not the basis to say that his testimony doesn't
20 result in an obstruction enhancement.

21 Indeed, the Supreme Court in the *United States v.*
22 *Dunnigan* stated that the defendant can't contend in the
23 sentencing that because perjury interferes with the right to
24 testify, that we shouldn't apply that if the facts are such
25 that that testimony is, as I said, really "test-i-lie."

1 There's a case that's exactly on point that I cited
2 in my sentencing memorandum, *United States v. Perez*, where in
3 that case the obstruction of justice enhancement was affirmed,
4 affirmed for a defendant who falsely testified under oath that
5 he wasn't involved in cocaine trafficking. That testimony
6 directly is contradicted by not only just a Government's
7 witness that the jury found credible, regardless of what we're
8 talking about in terms of drug quantity, but the jury obviously
9 found that testimony credible. And the Court in *Perez* found,
10 as this Court should, that that false testimony concerned a
11 material matter, namely the guilt or innocence of the
12 defendant. His false testimony that he wasn't involved in a
13 cocaine conspiracy or the money that he was sending to the
14 source of supply were not drug proceeds were absolutely
15 material to the guilt or innocence.

16 And it was done willfully. It wasn't by accident.
17 It wasn't by mistake. In fact, he got on the stand and said,
18 "I wouldn't get involved in cocaine this time because I already
19 got banged on that once, so I know what I was looking at there.
20 So that's why I was only selling marijuana."

21 Now did we see a single ounce, much less a single
22 gram of marijuana recovered from Jameka Thompson, from Mom's
23 house, from the package, from the searches that were done at
24 the defendant's house where we got the stolen car titles or
25 whatever they were? No. Now the fact that he may have been

1 involved in other criminal activity is hardly shocking or
2 surprising so if he's involved in a stolen car ring, fine. So
3 what? That wasn't why he was flying out to Arizona. Jameka
4 Thompson wasn't driving stolen cars back and forth. She was
5 driving cocaine back so it could be resold.

6 He clearly testified intentionally, willfully and
7 falsely as to material matters, and for those reasons, the
8 obstruction enhancement should apply as well. Thank you.

9 THE COURT: All right. Pending before the Court are
10 two requests or two objections to the presentence report,
11 namely that the defendant was an organizer/leader pursuant to
12 3B1.1(a), as well as the defendant obstructed justice by
13 testifying falsely about his narcotics distribution activities,
14 namely that he was distributing marijuana and also engaged in
15 the transportation and distribution of stolen vehicles.

16 The Court does find by a preponderance of the
17 evidence the defendant was clearly an organizer/leader. He
18 manipulated others within the criminal conspiracy. The
19 evidence demonstrated that he was certainly in charge of the
20 location of where the narcotics would be distributed to.
21 Ms. Thompson testified credibly that she was directed by the
22 defendant. Again, credit card records and other financial
23 documents indicate that he was an organizer/leader.

24 Further, the defendant's own testimony this Court
25 finds by a preponderance of the evidence was false. There was

1 no indication, as pointed out by the Government, of the seizure
2 of any marijuana. In fact, the circumstances regarding this
3 particular conspiracy and the evidence against the defendant
4 supports that he was indeed engaged in the cocaine distribution
5 activities.

6 So there's just no question based upon the evidence
7 as a whole -- and in fact, the jury disbelieved the
8 defendant -- that he was an organizer/leader, and of course he
9 testified falsely because the credible evidence in this case
10 pointed to him distributing cocaine and being involved in the
11 drug conspiracy. As a result, both enhancements will end up
12 applying; that will raise his base offense level to 36.

13 I'll ask Ms. Flynn, those were the -- those were the
14 objections that were addressed by the defendant? In other
15 words, he does not address or object to any term or condition
16 of supervised release, fine, et cetera, as indicated in the
17 presentence report; is that correct?

18 MS. FLYNN: Yes, Your Honor.

19 THE COURT: All right. Looking at the defendant's
20 criminal history, he's accumulated a total of 12 criminal
21 history category points. He was on probation at the time that
22 he committed the present criminal offense. Among those
23 previous criminal convictions is a previous federal conviction
24 for cocaine base in which he received a reduced sentence of 20
25 months. As a result, he has 14 criminal history category

1 points. He is well within the Roman numeral VI category. That
2 puts him -- with the grouping, it puts him at an offense level
3 36, criminal history category VI, with a guideline range of
4 between 324 and 405 months.

5 There is a minimum mandatory sentence that comes
6 along with these convictions on all three counts of five years;
7 a supervised release range as to Count 1 and 2 and 3 of between
8 four and five years; a fine range of between 40,000 and \$5
9 million; and a special assessment of \$300, \$100 for each count
10 of conviction.

11 Mr. Romano, is that an accurate characterization of
12 the sentencing guideline range?

13 MR. ROMANO: Yes, it is, Your Honor.

14 THE COURT: Ms. Flynn, understanding and noting
15 Mr. Durbin's objections to the Court's finding, that is an
16 accurate characterization of the Court's finding of the
17 guideline range?

18 MS. FLYNN: Yes, Your Honor.

19 **(Conference at the bench.)**

20 **(It is the policy of this court that every guilty plea and**
21 **sentencing proceeding include a bench conference concerning**
22 **whether the defendant is or is not cooperating.)**

23 THE COURT: All right. Mr. Romano, I'd be more than
24 happy to hear from you regarding sentencing.

25 MR. ROMANO: Thank you, Your Honor. As we all know,

1 the advisory guideline range is but one factor that the Court
2 is to consider in fashioning the appropriate sentence.
3 Title 18, § 3553(a) sets forth the factors that the courts are
4 to consider, including the nature and circumstances of the
5 offense, the history of the defendant, the need for the
6 sentence to be imposed to reflect the seriousness of the
7 offense, to promote respect for the law, and to provide just
8 punishment as well as to afford an adequate deterrent to the
9 defendant and, significantly here as well, to protect the
10 public from further crimes of the defendant.

11 The Court is familiar with the entire case and
12 indeed, as I mentioned before, Mr. Durbin not only involved
13 himself but involved Jameka Thompson, an individual who had no
14 prior criminal involvement and criminal history until her
15 unfortunate association with Mr. Durbin.

16 As the report reflects, Mr. Durbin has four prior
17 felony convictions. The Court has touched upon one of those
18 which is a federal conviction for which he had initially
19 received 140 months, later reduced to 120 months. There were
20 repeated violations of conditions of that supervised release
21 which resulted in an additional cumulative total of three
22 years' incarceration for those violations.

23 It's pretty clear that Mr. Durbin has shown and
24 remains undeterred when it comes to drug trafficking. He has
25 no real credible argument that he's not a recidivist drug

1 dealer. And the Court needs to impose a sentence, if not to
2 deter Mr. Durbin from further criminal conduct, but at a
3 minimum to protect the public from Mr. Durbin's criminal
4 activities.

5 I'm reminded of a quote from Winston Churchill who
6 said: The most exhilarating feeling in the world is being shot
7 at and missed. Initially Mr. Durbin was shot at and hit when
8 he got that federal conviction, but it didn't deter him. He
9 was, in essence, shot at and missed when in 2019 that package
10 of cocaine was sent to his mother's house. It was seized; he
11 wasn't prosecuted for that. You would think that, giving
12 credit to his testimony on the witness stand, that he knew what
13 kind of sentence he could be facing given that he had
14 previously been convicted of cocaine. It didn't draw him up
15 short because he got that package in 2019. And even after that
16 when he knew that he was being looked at because they seized
17 those drugs, he continued. He continued to deal in cocaine.

18 "Well, I can't have it mailed to me because I see
19 what happened there, so plan B, send Jameka out to Tucson and
20 we'll just drive the drugs back. We'll just drive them back."
21 Money up to that point hadn't been a problem so, "I'll mail the
22 money out, but I'm not going to mail drugs back to me because
23 that had already been picked off." The only thing that did
24 when that first package in 2019 was seized, it didn't stop him;
25 it just changed up the MO. How is he going to get the drugs

1 back to Maryland, and how is he going to get the money back out
2 to Jack Anderson? So it didn't stop him.

3 In every sense of the word, Che Durbin is a career
4 offender. He has four prior felony drug convictions. He has
5 now facing him a sentence for a fifth and what amounts to his
6 second federal drug conviction. He hasn't been deterred.
7 Quite frankly, I don't know that there's anything that will
8 deter. So we then have to look at how do we protect the
9 public? How do we promote respect for the law? Two important
10 considerations under Title 18, 3553(a).

11 In my sentencing memorandum, I asked the Court to
12 consider a sentence that's higher than what I'm actually going
13 to recommend now. I will say this -- and as the Court knows
14 and I'm sure is going to hear from Ms. Flynn, perhaps members
15 in the courtroom and perhaps even Mr. Durbin himself, he did
16 sustain a serious injury. There's no question about that. At
17 the hands of his co-defendant, an extremely violent
18 individual.

19 THE COURT: That's cost him -- Mr. Durbin's
20 recidivist behavior has cost him more than just time away from
21 his family and behind bars. It's now costing him his eye.
22 That's another cost of this is that he's missing an eye because
23 he decided he didn't learn from the previous drug convictions
24 and wanted to continue to engage in this behavior. He's ruined
25 Ms. Thompson's life. He's now lost an eye and regardless of

1 what happens is going to be spending a significant amount of
2 time in the Bureau of Prisons.

3 MR. ROMANO: Correct. In that regard, it's -- I
4 don't want to have the Court take this the wrong way, but I
5 think the Court understands -- but for his activities, he
6 wouldn't have placed himself in the position at least the way
7 he lost his eye.

8 THE COURT: Absolutely.

9 MR. ROMANO: He could have lost his life, quite
10 frankly, the way he was operating out on the street. But the
11 fact that he did sustain a serious injury at the hands of his
12 co-defendant, quite frankly, tempers my recommendation. As I
13 indicated, initially I was going to recommend 325 months which
14 is about 27 and a half years. But I do think a substantial
15 sentence needs to be imposed. I'm going to ask the Court to
16 consider a sentence at least 20 years or 240 months. That's
17 double what he got the last time. Clearly the last time, even
18 coupled with the reduction from 140 down to 120 and then three
19 years on top of that that he got for the violation of
20 supervised release, didn't slow him down, didn't deter him. So
21 the Court needs to consider all of that when it reflects on
22 what's the appropriate sentence that's sufficient but not
23 greater than necessary.

24 The guideline range, 325 to 400-some months, given
25 his personal circumstances, which I think the Court also needs

1 to take into consideration from the physical standpoint, I
2 think warrants a reduction in what the Government was seeking
3 and call it lenity, call it whatever, I believe that a sentence
4 of 240 months or 20 years is the appropriate sentence given his
5 prior multiple felony drug convictions, his repeated violations
6 of both state probation and federal supervised release, and the
7 fact that he continues and continues and continues to deal in
8 drugs which the Court knows not only ruined people's lives but,
9 in fact, can cost people their lives.

10 So for all those reasons, Your Honor, I would
11 respectfully ask the Court to consider a sentence of at least
12 20 years. Thank you.

13 THE COURT: Thank you very much. Ms. Flynn, I'll be
14 more than happy to hear from you.

15 MS. FLYNN: Thank you, Your Honor. I know the Court
16 is well aware of my client's medical issues. He had two --
17 well, three significant medical problems while he was
18 incarcerated. First, he was diagnosed with COVID and that was
19 prior to getting vaccinated, and he now permanently suffers
20 from hypertension as a result of that. He was diagnosed with
21 COVID on November 30, 2021. He was locked up on May 12, 2020
22 in Harford County, so he's been continuously incarcerated since
23 that date.

24 THE COURT: No objection to credit since May 12 of
25 2020?

1 MR. ROMANO: No, sir.

2 THE COURT: All right.

3 MS. FLYNN: Then on May 15, 2021, he tore his
4 Achilles tendon while at CDF. It's not just that he suffered
5 this injury; it was the lack of proper medical care that
6 exacerbated the problem. I had to file two motions with the
7 court to get the proper medical care for Mr. Durbin. I had to
8 file a motion in June asking for an MRI which had been
9 recommended but the jail wasn't accommodating, and then a
10 further motion was filed in November for follow-up treatment.
11 So it's not just the injury, but it's the way somebody is
12 treated when they're at CDF. And it's my understanding,
13 speaking to Dr. Berger who's the surgeon for the Achilles
14 tendon, that the delay in treatment, the delay in getting
15 proper medical care exacerbated the problem.

16 I'm not sure if the Court remembers this, but when we
17 were in trial, Mr. Durbin was coming in but he had a boot on.

18 THE COURT: Right.

19 MS. FLYNN: And it's my understanding that as a
20 result of that, an infection developed and that was probably in
21 February or March, and then he suffered from that infection for
22 months.

23 Ultimately what ended up happening, he was stabbed on
24 April 11, 2022, stabbed in the eye. He indicates to me that
25 there was a delay in calling the ambulance, there was a delay

1 in getting to the hospital. And he was at the hospital at MTC
2 for a while after he was released from the University of
3 Maryland, but it was torture trying to get the proper medical
4 treatment from outside eye experts.

5 What ended up happening is that Dr. Berger, who was
6 the doctor for his Achilles tendon, had to delay access to
7 handle what he needed to handle for Mr. Durbin because of the
8 eye surgery and the schedule there. So he had to take a back
9 seat to the schedule of the eye surgeons. I think there were
10 two surgeons who had to perform the surgery on Mr. Durbin. And
11 that, I think, was in September; is that correct, sir?

12 THE DEFENDANT: Yes.

13 MS. FLYNN: So the injury was in April and he didn't
14 get surgery until September. And then there were five
15 follow-up appointments, and Dr. Berger said to me, I can't do
16 anything until after all of that has been completed. So the
17 infection had been festering for months. What Dr. Berger
18 indicated is he's going to have to have another surgery because
19 of all these delays.

20 So ultimately I am going to be asking the Court to
21 recommend to the Bureau of Prisons that he be sent to -- I
22 think it's Butner, North Carolina?

23 THE COURT: Butner, right.

24 MS. FLYNN: Which it's my understanding they have
25 medical facilities.

1 THE COURT: Absolutely. It's probably the best
2 medical facility that the Bureau of Prisons has so
3 definitely --

4 MS. FLYNN: So that is going to be a request because
5 there is ongoing treatment and intervention that's going to be
6 necessary. Hopefully, there will come a point where whatever
7 intervention is necessary when it's over and they can get him
8 to the best place they can and that he get that and be
9 transferred to another facility. I don't know that it's going
10 to be a chronic problem. It's just that there are problems
11 that have to be addressed, and the delay because of his
12 incarceration have made things much, much worse than they would
13 have been for somebody who was not incarcerated at the time of
14 the injuries.

15 So while I understand the Government and the Court
16 have indicated but for his activities, he wouldn't have been
17 locked up where he got these injuries, that still doesn't mean
18 he should be entitled to subpar medical treatment.

19 THE COURT: I 100 percent agree. And as I'm certain
20 you're aware, and the Government is aware and the Marshal
21 Service and everyone, this circumstance related to COVID threw
22 everything completely upside down.

23 MS. FLYNN: I know.

24 THE COURT: And it got to a point where even after
25 the vaccine became available, there were some people that

1 weren't taking it, you were still getting it even though you
2 were vaccinated. There was a high risk of contracting this
3 virus. And that basically backed up not only the courts but
4 backed up the medical services provided to inmates, backed up
5 just general elective services that everyday folks were getting
6 before the pandemic. But I agree with you and your point is
7 well taken that although the circumstances that gave rise to
8 him being incarcerated aren't necessarily on the government,
9 nevertheless the treatment after he is incarcerated, there is
10 some responsibility and accountability on the government's
11 part, so I hear you.

12 MS. FLYNN: Thank you. Before I finish, I know one
13 member that's in the audience of my client's family would like
14 to address the Court.

15 THE COURT: Sure. Who is that?

16 MS. FLYNN: Ms. Tracy Durbin.

17 THE COURT: Ms. Durbin, why don't you come forward.
18 You can come here through the double doors. Ms. Flynn, if you
19 could direct her to the podium. Ms. Durbin, if you have been
20 fully vaccinated, you may remove your mask when speaking.

21 MS. MURRAY: I'm Tracy Murray. I'm vaxxed and
22 boosted.

23 THE COURT: Fantastic. If you could, please state
24 and spell your full name for the record.

25 MS. MURRAY: Tracy Murray, T-r-a-c-y M-u-r-r-a-y.

1 THE COURT: All right, Ms. Murray, I'll be more than
2 happy to hear from you.

3 MS. FLYNN: Before you start, I just want the Court
4 to have some context. Mr. Durbin was very, very lucky to have
5 Ms. Murray as his advocate for his healthcare issues.

6 THE COURT: Good.

7 MS. FLYNN: I think but for Ms. Murray, we might
8 never have been able to get the proper care because she is in
9 the healthcare industry, and she was very, very aggressive in
10 her advocacy on behalf of Mr. Durbin to get the proper medical
11 care. So I just want the Court to be aware of that.

12 THE COURT: Ms. Murray, thank you very much for your
13 efforts. You didn't have to do it. You're in this business
14 but I appreciate your efforts.

15 MS. MURRAY: I am Mr. Durbin's girlfriend. I've been
16 his girlfriend for 14 years. I am a registered nurse, I have
17 my bachelor's degree. I just want to reiterate what Ms. Flynn
18 said about the medical treatment that he received. First he
19 caught COVID. Subsequently, now he has hypertension which he
20 did not have. He lost his eye for them not calling 911 when he
21 needed; he sat there and bled out for over an hour which
22 subsequently caused him to be blind.

23 THE COURT: It initially started when he was stabbed
24 in the eye by his co-defendant.

25 MS. FLYNN: Yes, that is correct, while he was on the

1 telephone with me. He sat there for over an hour waiting for
2 medical treatment. He did not get medical treatment then.

3 The leg issue, it happened maybe in May. Sent
4 letters, called, had to speak with Ms. Flynn in order to get
5 the proper treatment that he needed then. Subsequently it got
6 infected. He could also lose his leg at this point because he
7 has to have another surgery because of that.

8 As you said, if he weren't here, this probably would
9 have never happened, but that does not mean that he does not
10 deserve the treatment that he should have gotten. He just
11 didn't deserve none of that.

12 THE COURT: I understand. I want to again thank you
13 for your strength and advocacy for Mr. Durbin, your dedication
14 to being a healer and coordinating efforts with Ms. Flynn, who
15 is one of our outstanding Criminal Justice Act panel attorneys,
16 to be able to do everything you can to advocate for him. So
17 thank you.

18 MS. MURRAY: No problem. You're welcome.

19 MS. FLYNN: Thank you, Your Honor. Here in the
20 courtroom I just want to point out in addition to Ms. Murray
21 are her three daughters who Mr. Durbin helped raise, as well as
22 my client's father, cousin, and brother-in-law.

23 THE COURT: Okay, thank you very much. I'm sorry
24 you're here under these very difficult circumstances.

25 MS. FLYNN: So he does have a lot of support in the

1 community. One other thing, it is my recollection that after
2 my client was stabbed by Mr. Walton, I let Mr. Romano know that
3 that happened. The jail didn't even let the Government know
4 that that had happened. And Mr. Romano was in a position of
5 scrambling to try and backtrack and get the information.

6 I think by the time he was made aware of it -- he can
7 correct me if I am wrong -- whatever video there was was not
8 secured, and therefore Mr. Walton was not, in my opinion,
9 properly -- I don't know that the case was properly
10 investigated for purposes of prosecution. I think there was
11 video, and it was not secured and stored.

12 THE COURT: I believe it was also an issue of
13 Mr. Durbin not being cooperative as well.

14 MS. FLYNN: I understand that.

15 THE COURT: So Mr. Durbin knows who stabbed him, and
16 he chose not to assist in the investigation and prosecution of
17 a person who took his eye.

18 MS. FLYNN: Your Honor, I understand that.

19 THE COURT: So that's on him.

20 MS. FLYNN: But it's also objectively the -- if
21 there's video and a crime occurs, I think it's incumbent upon
22 the law enforcement community to secure that video.

23 THE COURT: Right. And also Mr. Durbin testifying
24 and corroborating his co-defendant doing what he did goes a
25 long way to securing a conviction.

1 MS. FLYNN: I understand.

2 THE COURT: Understood.

3 MS. FLYNN: Just factually speaking, I was surprised
4 when I contacted Mr. Romano and he was unaware of it.

5 THE COURT: Sure.

6 MS. FLYNN: Frankly, I don't know what all the rules
7 of this kind of process are, but Mr. Romano was certainly
8 advised very quickly when Ms. Thompson was trying to marry my
9 client. He was the one who told me about that. But
10 unfortunately, I was the one who had to inform him about the
11 injury. I just want the Court to be aware that these things
12 can be complicated.

13 I'm asking Your Honor to consider a sentence of 15
14 years which is 180 months given the significant cost to
15 Mr. Durbin's health as a result of his incarceration. My
16 understanding is Mr. Walton received 13 years, if I'm not
17 mistaken, and it is my understanding that part of that included
18 his conduct that -- as alleged in being the perpetrator against
19 Mr. Durbin. So it's my understanding, while I wasn't present
20 for the entire sentencing, that the Court was taking into
21 account Mr. Walton's role in what happened to Mr. Durbin in
22 fashioning a sentence under the circumstances in his case.

23 I understand the verdicts and the counts were
24 different for Mr. Walton, and obviously I can't speak to his
25 criminal history. But as far as Mr. Durbin is concerned, I'm

1 asking Your Honor to consider a sentence of 180 months under
2 all of the circumstances.

3 Now, Mr. Durbin, you have a right of allocation in
4 this case. You can address the Court if there's something that
5 has not been addressed, or you can remain silent. That's up to
6 you. Is there something you would like to say?

7 THE DEFENDANT: Yes. First I want to say -- [noise
8 interruption.]

9 THE COURT: You have to move away from the
10 microphone. If you've been fully vaccinated, you can pull down
11 your mask, Mr. Durbin.

12 THE DEFENDANT: Yeah. First I want to apologize to
13 my family for the effect my decision-making made on them. And
14 I want to send a special thank you to my fiancée, Tracy Murray,
15 for her encouragement and, you know, and just keeping me
16 positive throughout all this. And I want to apologize to the
17 courts.

18 THE COURT: All right. I want to thank you very much
19 for that, Mr. Durbin.

20 Applying the 3553(a) factors, the defendant accepted
21 responsibility for his conduct. He is 43 years old. He does
22 have his GED. He doesn't have any dependents, but his
23 girlfriend has children who she is raising. Based upon the
24 presentence report, he had a normal childhood, no abuse or
25 neglect. He is married and divorced. In very poor -- I would

1 say poor physical health, having suffered significant injuries
2 as a result of altercations while incarcerated which included a
3 stabbing, leaving him blind in one eye.

4 I note that he has had extensive contact with the
5 criminal justice system and indeed received a more lenient
6 sentence as a result of his last federal drug conviction.
7 Despite being released, he was not deterred from engaging in
8 narcotics activity and indeed had another state court
9 conviction for drug distribution. And then we, of course,
10 we've got this large-scale conspiracy.

11 Without a doubt, Mr. Durbin is an experienced drug
12 dealer and who, despite being incarcerated for significant
13 periods of time, has not been deterred from engaging in this
14 kind of criminal conduct. It's also a demonstration of a
15 failure to appreciate the real damage that drug dealers do in
16 our community and, quite frankly, not learning his lesson from
17 it. And people are sick of it.

18 He was an organizer and a leader of a large-scale
19 drug conspiracy. He knew what he was doing. In the wake of
20 his behavior, he ruined the life of a person who didn't have
21 any criminal record, namely his paramour or girlfriend.

22 Of course, it's very serious. Much of the violence
23 and death that occurs in this country arises out of the illegal
24 narcotic drug trade. In addition to that, it's noteworthy that
25 despite testifying falsely that he was not engaged in cocaine

1 distribution, he nevertheless admitted to being engaged in
2 interstate or international automobile -- stolen automobile
3 trafficking and readily admitted on the stand, despite
4 admonishments from the Court about his right against
5 self-incrimination, to still nevertheless engaging in drug
6 distribution. I find it absolutely remarkable.

7 And I certainly understand the circumstances giving
8 rise to his loss of an eye, and the lack of treatment or the
9 slow treatment should not have happened. But nevertheless, the
10 perpetrator of this event wasn't brought to justice because
11 Mr. Durbin decided he wasn't going to snitch or cooperate
12 against somebody who ended up stabbing him in his eye.

13 I do think that there's a need to protect the public.
14 His prior criminal behavior is a clear demonstration that he is
15 incapable as an adult of conforming himself to the laws of
16 society. He did receive a reduced sentence of 10 years before.
17 The advisory guideline range is between 324 and 405 months.
18 There's a minimum mandatory as to each one of those counts,
19 Counts 1 and 3. Supervised release range between -- as to
20 Counts 1 and 3 of four to five years, a fine range between
21 40,000 and \$5 million, and a special assessment in the amount
22 of \$100 for each count of conviction for a total of \$300.

23 I agree with the Government. The sentence that is
24 sufficient, but not greater than necessary, to comply with the
25 purposes set out in 3553(a)(2) is 240 months. I will tell you

1 before I heard argument in this case, I was seriously
2 considering going high into the guideline range, but I
3 certainly understand some leniency should be put in place given
4 the conditions of confinement that Mr. Durbin had to endure.

5 It will be 240 months for each count of conviction to
6 run concurrently, five years of supervised release to run
7 concurrently. I note that I would have reached this sentence
8 regardless of how I fell on the guideline range based upon all
9 of the factors that I mentioned, including the fact that this
10 is the defendant's second federal criminal conviction and, I
11 believe, fourth or fifth distribution conviction.

12 I'm not going to impose a fine because he doesn't
13 have the ability to pay. Restitution is not applicable. There
14 is a forfeiture order here, the \$82,300, the monies that were
15 seized. Is there any objection to that?

16 MS. FLYNN: No, Your Honor.

17 THE COURT: Noted and granted. There will be a
18 special assessment in the amount of \$300 that will be imposed.
19 I am going to recommend a Bureau of Prisons facility in Butner.

20 The sentence doesn't fall within the guideline range.
21 In fact, it's well below the guideline range, but I think it's
22 nonetheless appropriate in light of the Court's findings on the
23 3553(a) factors and purposes. There are no open counts to be
24 dismissed.

25 Mr. Durbin, you've got 14 days to file an appeal of

1 your conviction and sentence in this matter. The defendant
2 will remain detained. A Judgment and Commitment Order will be
3 prepared, a Statement of Reasons will be prepared, and these
4 records, along with the appropriate records of sentencing, will
5 be filed with the United States Sentencing Commission as well
6 as the United States Bureau of Prisons.

7 Mr. Romano, is there anything else we can
8 productively handle before we conclude?

9 MR. ROMANO: Your Honor, you may have discussed it
10 and I may have not heard it, but I think now don't we have to
11 go through all the conditions of supervised release?

12 THE COURT: Right. Well, Mr. Durbin indicated
13 earlier, and I can confirm now, that he reviewed the
14 presentence report. Is that correct, Mr. Durbin?

15 THE DEFENDANT: Yes.

16 THE COURT: And you had the opportunity to read both
17 the mandatory and standard conditions of supervised release?

18 THE DEFENDANT: Yes.

19 THE COURT: I also note that there's no objection to
20 the special conditions of supervised release which I did not
21 mention. In addition to the standard and mandatory conditions
22 of supervised release, I am going to impose special conditions
23 which would include, of course, paying the special assessment,
24 to submit to substance abuse testing to determine if you've
25 used a prohibited substance, or not attempt to obstruct or

1 tamper with testing methods.

2 You must participate in a substance abuse treatment
3 program and follow the rules and regulations of that program.
4 The probation officer will supervise your participation in the
5 program: provider, location, modality, duration, intensity, et
6 cetera.

7 Ms. Flynn, I can recommend a residential drug
8 treatment program for him.

9 MS. FLYNN: Thank you, Your Honor.

10 THE COURT: Is there any other particular program he
11 would like to engage in, vocational training or something?

12 MS. FLYNN: No, Your Honor.

13 THE COURT: All right. Is there anything else,
14 Ms. Flynn?

15 MS. FLYNN: No, Your Honor. I will be filing the
16 notice of appeal. I will not be in a position to handle that
17 matter for him.

18 THE COURT: Right.

19 MS. FLYNN: So I've already indicated that he should
20 either reach out to the public defender's office for the
21 appointment of an appellate attorney or seek other private
22 counsel for purposes of the appeal.

23 THE COURT: That's right. Mr. Durbin, it's going to
24 be really important. Ms. Flynn is moving on, and so she will
25 not be available to represent you during the course of the

1 appeal. So it's going to be really important for you to reach
2 out to the public defender's office as soon as possible. I
3 don't know whether or not Ms. Murray will do that or you can
4 coordinate --

5 MS. FLYNN: I'll facilitate it.

6 THE COURT: Okay. Ms. Flynn is going to facilitate
7 the contact, so she can assist in getting you another federal
8 public defender for the purpose of appealing your conviction.

9 THE DEFENDANT: So do I put something in writing?

10 THE COURT: She'll explain it to you. She's one of
11 our outstanding panel attorneys, and so she will be able to
12 explain everything to you, and she will facilitate reaching out
13 to the public defender's office for the purpose of getting you
14 counsel. And, by the way, everything is being recorded here so
15 there's a record of what I am saying so that you can be assured
16 that you will have appellate counsel to take care of your
17 appeal. All right?

18 THE DEFENDANT: All right.

19 THE COURT: All right, thank you.

20 MS. FLYNN: Thank you, Your Honor.

21 THE CLERK: All rise. This Court stands in recess.

22 (Proceedings concluded at 10:42 a.m.)
23
24
25

1 CERTIFICATE OF OFFICIAL REPORTER

2 I, Patricia G. Mitchell, Registered Merit Reporter,
3 Certified Realtime Reporter, in and for the United States
4 District Court for the District of Maryland, do hereby certify,
5 pursuant to 28 U.S.C. § 753, that the foregoing is a true and
6 correct transcript of the stenographically-reported proceedings
7 held in the above-entitled matter and the transcript page
8 format is in conformance with the regulations of the Judicial
9 Conference of the United States.

10 Dated this 11th day of March 2023.

11
12 

13 _____
14 Patricia G. Mitchell, RMR, CRR
15 Federal Official Reporter
16
17
18
19
20
21
22
23
24
25

< Dates >	2 2:11, 6:21, 7:2, 8:3, 10:10, 10:18, 15:1, 25:7.	.	40:8.
April 32:13.	20 24:24, 29:16, 30:4, 30:12.	< 5 > .	actual 17:16.
April 11, 2022, 31:24.	200 4:20.	5 6:25.	Actually 4:2, 14:19, 17:5, 17:8, 17:15, 28:12.
December 7, 2022, 4:20.	2019 8:18, 10:13, 27:9, 27:15, 27:24.	500 7:1, 8:25, 10:11, 12:9, 14:12, 14:13, 15:10.	addition 8:6, 13:4, 14:5, 36:20, 40:24, 43:21.
February 31:21.	2020 8:22, 10:13, 10:14, 20:7, 30:25.	.	additional 4:10, 26:21.
June 31:8.	2023 46:10.	< 7 > .	address 10:22, 17:2, 17:3, 17:5, 17:14, 17:21, 24:15, 34:14, 39:4.
March 46:10.	21201 1:32, 1:42.	753 46:5.	addressed 6:10, 8:19, 17:10, 24:14, 33:11, 39:5.
March, 31:21.	217 1:40.	7A 1:23.	addresses 10:23.
May 20:7.	24 11:8, 12:11, 13:10.	.	addressing 11:5.
May 12 30:24.	240 29:16, 30:4, 41:25, 42:5.	< 9 > .	adequate 26:8.
May 12, 2020 30:21.	25 9:1.	9 1:18, 2:2.	adequately 5:24.
May 15, 2021, 31:3.	27 29:14.	911 35:20.	administration 19:20.
November 31:10.	28 46:5.	[noise 39:7.	admitted 41:1, 41:3.
November 30, 2021. 30:21.	2d1.1(a)(5 15:13.	.	admonishments 41:4.
September, 4:3.	2nd 1:41.	< A > .	adult 41:15.
\$100 25:9, 41:22.	.	a.m. 1:18, 2:2, 45:22.	advised 38:8.
\$300 25:9, 41:22, 42:18.	< 3 > .	Aberdeen 17:9.	advisory 26:1, 41:17.
\$5 25:8, 41:21.	3 2:11, 6:21, 7:2, 10:10, 10:18, 25:7, 41:19, 41:20.	ability 42:13.	advocacy 35:10, 36:13.
\$82 8:15, 13:14, 42:14.	30 1:18, 2:2, 6:23, 7:5, 7:14, 10:8, 10:21, 15:13, 15:21.	able 35:8, 36:16, 45:11.	advocate 35:5, 36:16.
.	300 8:15, 13:14, 42:14.	above-entitled 46:7.	affect 6:9.
.	324 25:4, 41:17.	Absolutely 22:14, 29:8, 33:1, 41:6.	affirmed 22:3, 22:4.
< 0 > .	325 29:13, 29:24.	abuse 39:24, 43:24, 44:2.	afford 26:8.
000 6:25, 8:3, 25:8, 41:21.	3553(a 5:13, 26:3, 28:10, 39:20, 42:23.	accepted 8:10, 39:20.	aggressive 35:9.
000-mile 15:1.	3553(a)(2 41:25.	access 32:6.	ago 9:2.
.	36 1:31, 24:12, 25:3.	accident 22:16.	agree 33:19, 34:6, 41:23.
.	3661 9:12.	accommodating 31:9.	agreement 12:17, 12:21.
< 1 > .	3b1.1(a 16:4, 23:12.	according 6:20.	ahead 2:23, 15:21.
1 2:11, 6:21, 6:22, 7:1, 7:12, 8:24, 10:18, 25:7, 41:19, 41:20.	3C1.1 19:17, 19:19.	Accordingly 10:6.	airline 7:22, 14:6.
1.2 10:16.	3D1.1 6:22.	account 12:13, 12:20, 38:21.	airport 20:10.
10 41:16, 45:22.	.	accountability 34:10.	allegation 18:19.
100 33:19.	< 4 > .	accumulated 24:20.	allegations 19:10.
11th 46:10.	40 7:18, 25:8, 41:21.	accurate 25:11, 25:16.	alleged 13:6, 19:9, 38:18.
12 24:20.	400-some 29:24.	accurately 11:9.	allocation 39:3.
120 26:19, 29:18.	405 25:4, 41:17.	Achilles 31:4, 31:13, 32:6.	allowed 12:2, 13:2.
13 38:16.	42 45:22.	acknowledgment 8:6.	almost 17:8.
14 24:25, 35:16, 42:25.	43 39:21.	acquittal 9:4, 9:6.	already 20:24, 22:18, 27:23, 44:19.
140 26:19, 29:18.	4th 1:31.	across 18:25.	altercations 40:2.
15 38:13.	.	Act 36:15.	although 6:8, 34:7.
18 9:12, 26:3, 28:10.	< 2 > .	activities 13:6, 19:5, 19:7, 23:13, 24:5, 27:4, 29:5, 33:16.	ambulance 31:25.
180 38:14, 39:1.		activity 19:3, 23:1,	
1B1.4 9:17.			
.			
.			

AMERICA 1:5 .	associated 5:13, 7:8 .	37:12, 42:11 .	cars 8:2, 23:4 .
Among 24:22 .	association 26:15 .	believed 11:17 .	cars. 21:18 .
amount 6:24, 8:15, 9:10, 10:4, 15:8, 29:1, 41:21, 42:18 .	assured 45:15 .	believes 16:22 .	case 2:4, 3:5, 5:25, 6:19, 9:3, 9:10, 9:11, 10:13, 10:14, 12:5, 13:23, 17:16, 19:11, 22:1, 22:3, 24:9, 26:11, 37:9, 38:22, 39:4, 42:1 .
amounts 16:12, 16:13, 28:5 .	attempt 43:25 .	below 42:21 .	cases 9:25 .
ample 18:2 .	attempted 19:20 .	bench 25:21 .	cash 15:17 .
Anderson 8:10, 12:21, 13:17, 16:6, 17:17, 17:20, 17:23, 19:5, 20:9, 20:11, 20:12, 20:14, 21:17, 28:2 .	Attorney 1:30, 3:9, 4:11, 44:21 .	bench. 25:19 .	category 24:21, 24:25, 25:1, 25:3 .
anticipated 18:8 .	attorneys 36:15, 45:11 .	benefit 12:15 .	Catherine 1:38, 1:39, 2:15 .
apartment 17:9 .	audience 34:13 .	Berger 31:13, 32:5, 32:15, 32:17 .	caught 35:19 .
apologize 39:12, 39:16 .	automobile 41:2 .	best 33:1, 33:8 .	caused 35:22 .
appeal 42:25, 44:16, 44:22, 45:1, 45:17 .	available 33:25, 44:25 .	bled 35:21 .	CDF 31:4, 31:12 .
appealing 45:8 .	aware 30:16, 33:20, 35:11, 37:6, 38:11 .	blind 35:22, 40:3 .	Center 21:1, 21:2 .
appeared 8:7 .	away 28:20, 39:9 .	boosted 6:16, 34:22 .	certain 12:5, 33:19 .
appears 15:22 .	.	boot 31:17 .	certainly 7:3, 15:24, 17:14, 23:19, 38:7, 41:7, 42:3 .
appellate 44:21, 45:16 .	< B > .	border 18:25 .	CERTIFICATE 46:1 .
applicable 42:13 .	bachelor 35:17 .	bound 9:1 .	Certified 46:3 .
apply 14:24, 21:24, 23:8 .	back 7:24, 8:5, 10:16, 13:15, 14:1, 14:2, 14:9, 14:13, 15:1, 16:20, 20:6, 20:11, 20:13, 21:1, 23:4, 23:5, 27:20, 27:22, 28:1, 32:8 .	box 15:10 .	certify 46:4 .
Applying 24:12, 39:20 .	back. 27:20 .	brains 21:15 .	cetera 24:16, 44:6 .
appointment 44:21 .	backed 34:3, 34:4 .	brief 18:14 .	challenge 12:18, 12:22, 12:23 .
appointments 32:15 .	background 9:14 .	Briefly 3:10, 3:12, 13:13, 16:2 .	changed 27:25 .
appreciate 35:14, 40:15 .	backtrack 37:5 .	bring 14:9, 16:20, 17:9 .	character 9:14 .
appropriate 6:11, 6:19, 9:16, 12:20, 13:4, 15:12, 26:2, 29:22, 30:4, 42:22, 43:4 .	Baltimore 1:16, 1:32, 1:42, 7:24 .	bringing 20:10 .	characterization 25:11, 25:16 .
appropriately 7:5 .	banged 22:19 .	brother-in-law 36:22 .	charge 9:8, 23:19 .
arching 10:19 .	bars 28:21 .	brought 20:6, 41:10 .	charged 6:25, 10:10 .
arguing 12:12 .	base 6:9, 6:23, 7:5, 7:12, 7:13, 10:7, 10:20, 11:8, 12:10, 13:9, 15:12, 15:21, 24:12, 24:24 .	Bureau 29:2, 32:21, 33:2, 42:19, 43:6 .	Charles 1:31, 1:40 .
argument 6:14, 12:6, 18:7, 18:10, 26:25, 42:1 .	Based 7:16, 13:7, 24:6, 39:23, 42:8 .	business 21:10, 35:13 .	Che 2:7, 28:3 .
arguments 5:18, 5:25, 6:5, 6:14 .	Basically 11:9, 11:21, 12:3, 13:6, 13:17, 34:3 .	Butner 32:22, 32:23, 42:19 .	CHE JARON DURBIN 1:10 .
arises 40:23 .	basis 10:18, 21:19 .	.	check 15:10 .
Arizona 7:17, 13:17, 13:25, 14:1, 23:3 .	became 33:25 .	< C > .	childhood 39:24 .
arrested 10:14, 20:21 .	behalf 35:10 .	c)(5 15:13 .	children 39:23 .
assert 4:25 .	behavior 28:20, 28:24, 40:20, 41:14 .	C. 46:5 .	chose 11:12, 12:8, 37:16 .
assessment 25:9, 41:21, 42:18, 43:23 .	behind 21:15, 28:21 .	call 2:4, 21:4, 30:3 .	Christopher 1:29, 2:8 .
assist 37:16, 45:7 .	belabor 9:24 .	called 36:4 .	chronic 33:10 .
	believe 3:16, 3:19, 4:3, 5:23, 6:7, 6:24, 11:8, 12:10, 13:3, 17:4, 30:3, 37:12, 42:11 .	calling 20:25, 31:25, 35:20 .	Churchill 27:5 .
		calls 16:8, 19:8 .	Circuit 10:1 .
		capacities 17:6 .	circumstance 17:3, 33:21 .
		captured 6:5 .	circumstances 12:11, 13:3,
		car 7:22, 7:24, 14:7, 19:3, 22:24, 23:2 .	
		card 8:1, 8:2, 15:16, 23:22 .	
		care 31:5, 31:7, 31:15, 35:8, 35:11, 45:16 .	
		career 28:3 .	
		Carolina 32:22 .	

<p>24:2, 26:4, 29:25, 34:7, 36:24, 38:22, 39:2, 41:7 .</p> <p>cite 5:11 .</p> <p>cited 9:3, 9:25, 22:1 .</p> <p>clarify 3:25 .</p> <p>clear 9:22, 16:18, 26:23, 41:14 .</p> <p>Clearly 3:8, 8:4, 14:8, 16:14, 23:6, 23:17, 29:17 .</p> <p>CLERK 45:21 .</p> <p>client 3:18, 30:16, 34:13, 36:22, 37:2, 38:9 .</p> <p>co-conspirator 12:14, 15:16 .</p> <p>co-conspirators 19:9 .</p> <p>co-defendant 7:15, 12:17, 16:7, 28:17, 29:12, 35:24, 37:24 .</p> <p>collective 15:14 .</p> <p>comes 20:11, 25:5, 26:24 .</p> <p>coming 31:17 .</p> <p>Commission 43:5 .</p> <p>Commitment 43:2 .</p> <p>committed 24:22 .</p> <p>common 13:24, 15:1 .</p> <p>community 37:1, 37:22, 40:16 .</p> <p>company 8:19 .</p> <p>completed 32:16 .</p> <p>completely 33:22 .</p> <p>complicated 38:12 .</p> <p>comply 41:24 .</p> <p>Computer-aided 1:49 .</p> <p>concealed 14:15 .</p> <p>concerned 22:10, 38:25 .</p> <p>concerning 9:13, 9:21, 25:21 .</p> <p>conclude 43:8 .</p> <p>concluded 45:22 .</p> <p>conclusion 13:1, 13:2 .</p> <p>conclusions 12:18 .</p> <p>concurrently 42:6, 42:7 .</p> <p>condition 5:12, 5:13, 24:15 .</p> <p>conditions 21:3, 26:20,</p>	<p>42:4, 43:11, 43:17, 43:20, 43:21, 43:22 .</p> <p>conduct 9:8, 9:14, 9:21, 12:13, 27:2, 38:18, 39:21, 40:14 .</p> <p>Conference 25:19, 25:21, 46:9 .</p> <p>confinement 42:4 .</p> <p>confines 4:23 .</p> <p>confirm 4:9, 43:13 .</p> <p>conformance 46:8 .</p> <p>conforming 41:15 .</p> <p>connection 10:17 .</p> <p>connections 19:8 .</p> <p>consider 9:16, 9:20, 11:8, 26:2, 26:4, 28:12, 29:16, 29:21, 30:11, 38:13, 39:1 .</p> <p>consideration 30:1 .</p> <p>considerations 28:10 .</p> <p>considering 9:8, 42:2 .</p> <p>Conspiracy 3:1, 6:22, 8:8, 8:11, 8:23, 10:4, 10:19, 14:18, 14:20, 15:4, 15:9, 15:18, 16:5, 16:14, 17:13, 18:22, 22:13, 23:18, 24:3, 24:11, 40:10, 40:19 .</p> <p>constitutional 19:25, 20:1 .</p> <p>consultation 4:12 .</p> <p>contact 20:24, 40:4, 45:7 .</p> <p>contacted 38:4 .</p> <p>contacts 16:9 .</p> <p>contend 21:22 .</p> <p>contest 4:24, 5:4, 5:6 .</p> <p>contested 5:18, 5:24, 6:21, 15:7, 15:22 .</p> <p>context 35:4 .</p> <p>continue 28:24 .</p> <p>continued 27:17 .</p> <p>continues 30:7 .</p> <p>continuously 30:22 .</p> <p>contracting 34:2 .</p> <p>contradicted 22:6 .</p> <p>convict 11:11 .</p> <p>convicted 3:1, 9:15, 12:8, 27:14 .</p> <p>convicting 12:7 .</p>	<p>conviction 15:9, 24:23, 25:10, 26:18, 27:8, 28:6, 37:25, 40:6, 40:9, 41:22, 42:5, 42:10, 42:11, 43:1, 45:8 .</p> <p>convictions 24:23, 25:6, 26:17, 28:4, 28:23, 30:5 .</p> <p>convinced 15:11 .</p> <p>cooperate 41:11 .</p> <p>cooperating 7:15, 12:14 .</p> <p>cooperating. 25:22 .</p> <p>cooperative 37:13 .</p> <p>coordinate 45:4 .</p> <p>coordinating 36:14 .</p> <p>copy 3:20 .</p> <p>Correct 3:20, 3:23, 4:7, 4:13, 5:2, 5:5, 5:8, 5:15, 5:19, 6:8, 24:17, 29:3, 32:11, 35:25, 37:7, 43:14, 46:6 .</p> <p>corroborated 7:19 .</p> <p>corroborating 37:24 .</p> <p>cost 28:19, 28:20, 28:22, 30:9, 38:14 .</p> <p>costing 28:21 .</p> <p>counsel 2:9, 44:22, 45:14, 45:16 .</p> <p>Count 7:1, 7:12, 8:24, 10:18, 25:7, 25:9, 41:22, 42:5 .</p> <p>country 40:23 .</p> <p>Counts 2:11, 3:1, 6:21, 7:2, 10:10, 10:11, 10:18, 25:6, 38:23, 41:18, 41:19, 41:20, 42:23 .</p> <p>County 7:17, 20:22, 21:1, 30:22 .</p> <p>couple 4:15, 10:16 .</p> <p>coupled 8:17, 14:10, 29:18 .</p> <p>course 5:11, 17:21, 24:8, 40:9, 40:22, 43:23, 44:25 .</p> <p>Courtroom 1:23, 2:20, 28:15, 36:20 .</p> <p>courts 26:3, 34:3, 39:17 .</p> <p>cousin 36:22 .</p>	<p>COVID 30:18, 30:21, 33:21, 35:19 .</p> <p>crack 16:10 .</p> <p>credibility 14:3 .</p> <p>credible 22:7, 22:9, 24:9, 26:25 .</p> <p>credibly 23:21 .</p> <p>credit 8:1, 8:2, 15:16, 23:22, 27:12, 30:24 .</p> <p>crime 37:21 .</p> <p>crimes 26:10 .</p> <p>Criminal 1:9, 21:12, 23:1, 23:18, 24:20, 24:22, 24:23, 24:25, 25:3, 26:14, 27:2, 27:3, 36:15, 38:25, 40:5, 40:14, 40:21, 41:14, 42:10 .</p> <p>cross-examine 21:15 .</p> <p>CRR 46:16 .</p> <p>cumulative 26:21 .</p> <p>currency 8:15 .</p> <p>.</p> <p>.</p> <p>< D > .</p> <p>damage 40:15 .</p> <p>date 4:5, 30:23 .</p> <p>Dated 4:20, 46:10 .</p> <p>daughters 36:21 .</p> <p>day 46:10 .</p> <p>days 10:16, 42:25 .</p> <p>deal 27:17, 30:7 .</p> <p>dealer 27:1, 40:12 .</p> <p>dealers 40:15 .</p> <p>death 40:23 .</p> <p>December 19, 2022 1:17 .</p> <p>decided 28:23, 41:11 .</p> <p>decision-making 39:13 .</p> <p>dedication 36:13 .</p> <p>defender 44:20, 45:2, 45:8, 45:13 .</p> <p>defense 19:25 .</p> <p>defies 14:3 .</p> <p>definitely 33:3 .</p> <p>degree 21:14, 21:16, 35:17 .</p> <p>delay 31:14, 31:25, 32:6, 33:11 .</p> <p>delays 32:19 .</p>
--	--	--	---

deliberation 12:3 .	19:2 .	engage 14:16, 28:24, 44:11 .	.
delivery 17:4 .	documents 23:23 .	engaged 2:21, 2:22, 23:14, 24:4, 40:25, 41:1 .	.
demonstrated 23:19 .	doing 2:18, 21:17, 37:24, 40:19 .	engaging 40:7, 40:13, 41:5 .	< F > .
demonstrates 15:15 .	doll 14:15 .	enhancement 4:25, 7:10, 18:18, 18:19, 19:18, 19:23, 21:20, 22:3, 23:8 .	facilitate 17:14, 21:9, 45:5, 45:6, 45:12 .
demonstration 40:14, 41:14 .	done 22:16, 22:23 .	enhancements 19:13, 24:11 .	facilities 32:25 .
denies 19:10, 19:11 .	doors 17:18, 34:18 .	entire 14:20, 18:20, 26:11, 38:20 .	facility 33:2, 33:9, 42:19 .
departure 9:19 .	double 29:17, 34:18 .	entitled 33:18 .	facing 27:13, 28:5 .
dependents 39:22 .	doubt 40:11 .	Esquire 1:29, 1:38 .	fact 11:10, 12:21, 16:23, 21:14, 22:17, 22:25, 24:2, 24:7, 29:11, 30:7, 30:9, 42:9, 42:21 .
deserve 36:10, 36:11 .	dovetail 18:8 .	essence 27:9 .	factor 26:1 .
designation 12:10 .	down 11:22, 17:18, 29:18, 29:20, 33:22, 39:10 .	establish 15:4 .	factors 5:12, 5:13, 26:3, 39:20, 42:9, 42:23 .
Despite 15:9, 40:7, 40:12, 40:25, 41:3 .	draw 27:14 .	estimating 11:16 .	facts 12:19, 21:24 .
destination 17:4 .	drive 27:20 .	et 24:16, 44:5 .	factually 38:3 .
detained 43:2 .	drives 20:12 .	event 41:10 .	failure 40:15 .
Detention 21:1, 21:2 .	driving 7:24, 14:2, 23:4, 23:5 .	everyday 34:5 .	fairly 6:13 .
deter 27:2, 27:8, 28:8, 29:20 .	drove 10:15, 14:1 .	everyone 2:3, 2:20, 33:21 .	fake 17:17 .
determination 10:7 .	drug 6:8, 9:5, 15:8, 21:10, 22:8, 22:14, 24:11, 26:24, 26:25, 28:4, 28:6, 28:23, 30:5, 40:6, 40:9, 40:11, 40:15, 40:19, 40:24, 41:5, 44:7 .	everything 20:19, 21:13, 33:22, 36:16, 45:12, 45:14 .	fall 42:20 .
determine 7:4, 43:24 .	drugs 7:20, 10:12, 14:19, 17:16, 27:17, 27:20, 27:22, 27:25, 30:8 .	evidence 8:16, 9:9, 10:3, 11:13, 11:24, 12:4, 12:6, 14:12, 14:23, 14:24, 14:25, 15:12, 15:14, 18:2, 20:3, 20:4, 23:17, 23:19, 23:25, 24:3, 24:6, 24:9 .	false 19:1, 22:10, 22:12, 23:25 .
determining 9:18 .	due 6:23, 13:19 .	exacerbated 31:6, 31:15 .	falsely 5:1, 22:4, 23:7, 23:13, 24:9, 40:25 .
deterred 28:6, 40:7, 40:13 .	Dunnigan 21:22 .	exactly 22:1 .	familiar 7:14, 26:11 .
deterrent 26:8 .	duration 44:5 .	excess 8:11, 8:21 .	family 20:17, 28:21, 34:13, 39:13 .
developed 31:20 .	during 44:25 .	exhilarating 27:6 .	Fantastic 34:23 .
diagnosed 30:18, 30:20 .	.	experienced 40:11 .	far 10:10, 38:25 .
different 38:24 .	.	experts 32:4 .	fashioning 26:2, 38:22 .
difficult 36:24 .	< E > .	explain 45:10, 45:12 .	father 36:22 .
direct 34:19 .	earlier 43:13 .	explained 18:21 .	Federal 24:23, 26:18, 27:8, 28:6, 30:6, 40:6, 42:10, 45:7, 46:17 .
directed 23:21 .	ECF 4:20 .	extensive 40:4 .	feeling 27:6 .
directly 22:6 .	echoed 9:17 .	extremely 28:17 .	feelings 21:10 .
dirty 21:12 .	effect 39:13 .	eye 28:21, 28:22, 28:25, 29:7, 31:24, 32:4, 32:8, 32:9, 35:20, 35:24, 37:17, 40:3, 41:8, 41:12 .	fell 42:8 .
disbelieved 24:7 .	effort 5:14, 14:9, 14:21 .		felony 26:17, 28:4, 30:5 .
discussed 43:9 .	efforts 35:13, 35:14, 36:14 .		festering 32:17 .
dismissed 42:24 .	either 44:20 .		few 4:1, 4:14 .
Distribute 3:2, 6:23, 12:9, 15:19 .	elective 34:5 .		fianc 39:14 .
distributed 23:20 .	encouragement 39:15 .		fifth 28:5, 42:11 .
distributing 23:14, 24:10 .	end 24:11 .		file 31:6, 31:8, 42:25 .
distribution 6:25, 18:1, 23:13, 23:15, 24:4, 40:9, 41:1, 41:6, 42:11 .	ended 4:19, 31:23, 32:5, 41:12 .		filed 6:15, 31:10, 43:5 .
District 1:1, 1:2, 46:4 .	endure 42:4 .		filing 4:20, 44:15 .
DIVISION 1:3 .	enforcement 13:15, 37:22 .		financial 23:22 .
divorced 39:25 .			find 10:3, 12:4, 14:11,
doctor 32:6 .			
document 4:23 .			
documentation 19:1,			

15:21, 23:16, 41:6 .	generalized 5:17 .	half 16:11, 29:14 .	.
finding 9:1, 9:5, 9:6, 14:25,	generally 6:5 .	hand 18:12 .	.
25:15, 25:16 .	generated 3:5 .	handle 6:18, 32:7, 43:8,	< I > .
findings 42:22 .	GEORGE LEVI RUSSELL,	44:16 .	Ibanaga 10:1 .
finds 23:25 .	III 1:22 .	hands 28:17, 29:11 .	identify 11:3, 11:17 .
fine 23:2, 24:16, 25:8,	Gerrick 16:7, 18:1 .	hanging 17:6 .	identifying 11:12 .
41:20, 42:12 .	gets 21:1 .	happen 21:9 .	ignore 11:10, 11:22, 12:3,
finish 34:12 .	getting 7:24, 18:24, 30:19,	happened 27:19, 36:3,	13:2 .
First 6:18, 27:24, 30:18,	31:14, 32:1, 34:1, 34:5,	36:9, 37:3, 37:4, 38:21,	illegal 18:23, 19:3,
35:18, 39:7, 39:12 .	45:7, 45:13 .	41:9 .	40:23 .
five 7:7, 7:13, 8:8, 8:11,	girlfriend 35:15, 35:16,	happening 31:23, 32:5 .	impede 19:20 .
8:22, 9:10, 10:4, 10:8,	39:23, 40:21 .	happens 29:1 .	impeded 19:20 .
10:20, 12:7, 15:5, 15:18,	give 18:13 .	happy 6:10, 11:1, 16:1,	import 15:19 .
16:14, 25:6, 25:8, 32:14,	given 11:18, 12:21, 16:12,	25:24, 30:14, 35:2 .	important 28:9, 44:24,
41:20, 42:6 .	27:13, 29:24, 30:4,	hardly 23:1 .	45:1 .
flew 13:25, 14:1 .	38:14, 42:3 .	Harford 7:17, 20:22, 21:1,	impose 9:18, 27:1, 42:12,
flies 20:8 .	giving 27:11, 41:7 .	30:22 .	43:22 .
Floor 1:31, 1:41 .	gotten 10:15, 17:22,	Hayes 10:1 .	imposed 26:6, 29:15,
flying 7:23, 23:3 .	36:10 .	healer 36:14 .	42:18 .
folks 34:5 .	Government 4:17, 7:3,	health 5:12, 38:15,	imposing 9:16 .
follow 44:3 .	7:11, 10:19, 11:10,	40:1 .	incapable 41:15 .
follow-up 31:10, 32:15 .	11:12, 11:21, 12:12,	healthcare 35:5, 35:9 .	incarcerated 30:18, 30:22,
foregoing 46:5 .	12:16, 13:14, 16:3,	hear 7:3, 7:9, 11:1, 13:5,	33:13, 34:8, 34:9, 40:2,
forfeiture 42:14 .	16:22, 18:8, 19:17,	15:24, 16:1, 18:5, 19:14,	40:12 .
form 8:24 .	19:24, 22:6, 24:1, 30:2,	25:24, 28:14, 30:14,	incarceration 26:22, 33:12,
format 46:8 .	33:15, 33:20, 34:8,	34:11, 35:2 .	38:15 .
formed 8:20 .	34:10, 37:3, 41:23 .	heard 7:15, 8:9, 18:20,	include 4:24, 19:22, 25:21,
forms 10:18 .	gram 22:22 .	18:21, 42:1, 43:10 .	43:23 .
forth 15:14, 23:4, 26:3 .	grams 6:25, 7:1, 8:25,	HEARING 1:21 .	included 16:5, 38:17,
forward 18:17, 34:17 .	10:11, 12:9, 14:12,	held 46:7 .	40:2 .
found 2:11, 22:7, 22:9 .	14:13, 15:10 .	helped 36:21 .	including 26:4, 42:9 .
four 8:17, 13:18, 25:8,	granted 42:17 .	hereby 46:4 .	increase 16:3, 16:25, 18:3,
26:16, 28:4, 41:20 .	greater 29:23, 41:24 .	high 34:2, 42:2 .	18:9 .
four-level 16:3, 16:25,	Group 6:22 .	higher 28:12 .	incumbent 37:21 .
18:3, 18:17 .	grouped 6:21 .	history 24:20, 24:21, 24:25,	indicate 23:23 .
Fourth 10:1, 42:11 .	grouping 25:2 .	25:3, 26:5, 26:14,	indicated 7:4, 7:25, 8:11,
Frankly 18:7, 28:7, 29:10,	guess 19:2 .	38:25 .	8:24, 19:2, 19:9, 21:13,
29:12, 38:6, 40:16 .	guideline 9:19, 19:17, 25:3,	hit 27:7 .	24:16, 29:13, 32:18,
frequency 16:13 .	25:12, 25:17, 26:1,	home 10:15 .	33:16, 43:12, 44:19 .
full 34:24 .	29:24, 41:17, 42:2, 42:8,	Homes 8:21, 17:10 .	indicates 31:24 .
fully 2:21, 2:22, 6:16, 11:4,	42:20, 42:21 .	HONORABLE 1:22 .	indication 24:1 .
34:20, 39:10 .	guidelines 5:8, 6:19,	hope 17:12 .	Indictment 2:11 .
.	9:17 .	Hopefully 33:6 .	individual 7:10, 26:13,
.	guilt 22:11, 22:15 .	hospital 32:1 .	28:18 .
< G > .	guilty 2:11, 8:7, 8:9,	hotel 7:22 .	individuals 16:16 .
G. 46:2, 46:16 .	25:20 .	hour 35:21, 36:1 .	industry 35:9 .
gather 11:3 .	guy 17:7, 17:8 .	house 17:18, 18:25, 20:5,	infected 36:6 .
gave 34:7 .	.	22:23, 22:24, 27:10 .	infection 31:20, 31:21,
GED 39:22 .	.	hypertension 30:20,	32:17 .
general 34:5 .	< H > .	35:19 .	inform 38:10 .

information 9:13, 9:21, 37:5 .	19:5, 20:9, 20:10, 20:12, 20:13, 21:17, 28:2 .	large-scale 40:10, 40:18 .	29:7, 29:9, 35:20 .
Initially 26:18, 27:7, 29:13, 35:23 .	Jackson 1:45, 16:7, 16:8, 16:9, 18:1 .	last 7:21, 29:17, 40:6 .	lot 36:25 .
injuries 33:14, 33:17, 40:1 .	16:9, 18:1 .	later 10:16, 26:19 .	loved 21:4 .
injury 28:16, 29:11, 31:5, 31:11, 32:13, 38:11 .	jail 31:9, 37:3 .	Law 1:39, 9:22, 9:23, 13:15, 26:7, 28:9, 37:22 .	lucky 35:4 .
inmates 34:4 .	Jameka 7:16, 8:22, 10:14, 16:6, 16:19, 19:5, 20:5, 20:14, 22:22, 23:3, 26:13, 27:19 .	laws 41:15 .	.
innocence 22:11, 22:15 .	Jaron 2:7 .	leader 15:23, 16:4, 16:19, 16:23, 40:18 .	< M > .
Inspection 8:15, 17:22 .	Jerry 17:19 .	learn 28:23 .	M-u-r-r-a-y 34:25 .
Inspector 1:46, 2:9, 8:14 .	Jessica 1:45 .	learning 40:16 .	Maguire 17:19 .
intensity 44:5 .	job 20:16 .	least 7:7, 7:12, 8:16, 8:22, 8:25, 10:8, 15:4, 15:18, 29:6, 29:16, 30:11 .	mail 27:21, 27:22 .
Intent 3:2, 6:22, 12:9, 15:19 .	Judgment 43:2 .	leave 20:11 .	mailed 17:15, 17:19, 27:18 .
intentionally 17:13, 23:6 .	Judicial 46:8 .	leaving 40:3 .	mailing 13:16 .
intercepted 17:22 .	jumping 18:17 .	left 2:16 .	majority 8:20 .
interferes 21:23 .	jury 3:3, 4:6, 8:24, 9:1, 9:4, 9:5, 11:9, 11:11, 11:22, 11:25, 12:3, 12:4, 12:7, 12:24, 13:1, 13:3, 13:20, 13:24, 14:13, 14:17, 15:10, 22:7, 22:8, 24:7 .	leg 36:3, 36:6 .	mandatory 25:5, 41:18, 43:17, 43:21 .
international 41:2 .	Justice 4:25, 5:1, 18:9, 18:20, 19:21, 22:3, 23:12, 36:15, 40:5, 41:10 .	lengths 17:24 .	manipulated 23:18 .
interruption.] 39:8 .	.	leniency 42:3 .	manufacture 15:19 .
interstate 41:2 .	.	lenient 40:5 .	marijuana 18:23, 19:10, 20:4, 20:5, 22:22, 23:14, 24:2 .
intervention 33:5, 33:7 .	< K > .	lenity 30:3 .	marijuana. 20:3, 22:20 .
introduced 19:6 .	keeping 39:15 .	less 22:21 .	married 21:6, 21:8, 39:25 .
investigated 37:10 .	kicked 20:18 .	lesson 40:16 .	marry 38:8 .
investigation 19:21, 37:16 .	kilo 7:21 .	letters 36:4 .	Marshal 33:20 .
involved 6:24, 8:8, 8:23, 9:8, 10:4, 14:20, 15:8, 15:17, 17:3, 18:22, 18:23, 19:4, 19:7, 21:11, 22:5, 22:12, 22:18, 23:1, 23:2, 24:10, 26:12, 26:13 .	kilogram 8:18, 8:21, 10:13, 14:13, 14:14 .	level 6:9, 6:23, 7:5, 7:12, 7:13, 10:7, 10:8, 10:21, 11:8, 12:10, 13:10, 15:12, 15:13, 15:21, 24:12, 25:2 .	Maryland 1:2, 1:16, 7:17, 14:10, 28:1, 32:3, 46:4 .
involved. 11:19 .	kilograms 7:7, 7:13, 7:18, 8:8, 8:12, 8:17, 8:23, 9:10, 10:5, 10:8, 10:16, 10:20, 12:8, 15:5, 15:18 .	levels 18:1 .	mask 2:24, 6:16, 11:5, 34:20, 39:11 .
involvement 26:14 .	kilos 13:18 .	life 28:25, 29:9, 40:20 .	masked 2:20 .
issue 6:8, 15:7, 15:22, 36:3, 37:12 .	kind 20:22, 27:13, 38:7, 40:14 .	light 42:22 .	masking 2:19 .
issues 4:24, 5:7, 5:8, 5:18, 5:24, 6:24, 10:23, 20:23, 30:16, 35:5 .	knows 28:13, 30:8, 37:15 .	likewise 8:10 .	master 21:14, 21:16 .
.	.	limitation 9:13, 9:20 .	material 22:11, 22:15, 23:7 .
.	.	limited 16:5 .	matter 2:7, 21:11, 22:11, 43:1, 44:17, 46:7 .
< J > .	< L > .	link 13:5 .	matters 23:7 .
J. 1:29 .	lack 31:5, 41:8 .	lives 30:8, 30:9 .	MD 1:32, 1:42 .
Jack 8:10, 13:17, 16:6, 17:17, 17:20, 17:23,	large 7:19 .	LLC 8:21 .	mean 33:17, 36:9 .
		location 23:20, 44:5 .	medical 30:16, 30:17, 31:5, 31:7, 31:15, 32:3, 32:25, 33:2, 33:18, 34:4, 35:10, 35:18, 36:2 .
		locked 20:25, 30:21, 33:17 .	meeting 20:9 .
		long 9:8, 37:25 .	meets 20:12 .
		look 13:23, 14:23, 20:6, 28:8 .	member 34:13 .
		looked 27:16 .	members 16:5, 28:14 .
		Looking 22:19, 24:19 .	memo 6:10, 9:3, 9:25 .
		lose 36:6 .	
		loss 41:8 .	
		lost 20:19, 21:13, 28:25,	

memoranda 4:17, 4:19, 5:22, 6:4, 15:25 .	MTC 32:1 .	.	ongoing 14:8, 19:7, 33:5 .
memorandum 22:2, 28:11 .	multiple 7:16, 13:25, 14:6, 15:2, 15:3, 16:9, 30:5 .	< O > .	open 42:23 .
mention 43:21 .	Murray 34:21, 34:25, 35:1, 35:5, 35:7, 35:12, 36:20, 39:14, 45:3 .	oath 22:4 .	operating 29:10 .
mentioned 26:12, 42:9 .	.	object 15:4, 18:16, 18:17, 19:13, 24:15 .	opinion 37:8 .
Merit 46:2 .	.	objection 30:24, 42:15, 43:19 .	opportunity 3:4, 3:9, 3:17, 11:11, 12:18, 12:22, 12:23, 13:5, 18:14, 43:16 .
methods 44:1 .	< N > .	objections 23:10, 24:14, 25:15 .	option 12:7 .
Michael 1:46, 2:9 .	name 17:16, 17:17, 17:20, 34:24 .	objective 11:24 .	Order 5:14, 10:3, 36:4, 42:14, 43:2 .
microphone 3:8, 39:10 .	namely 22:11, 23:11, 23:14, 40:21 .	objectively 37:20 .	ordering 16:9 .
miles 8:3 .	narcotic 40:24 .	obstruct 5:1, 19:20, 43:25 .	organization 5:5 .
million 25:9, 41:21 .	narcotics 6:24, 15:8, 23:13, 23:20, 40:8 .	obstructed 19:19, 23:12 .	organizer 15:23, 16:4, 16:18, 16:23, 40:18 .
minimum 25:5, 27:3, 41:18 .	nature 26:4 .	obstruction 4:25, 18:9, 18:19, 19:18, 19:23, 21:20, 22:3, 23:8 .	organizer/leader 5:5, 23:11, 23:17, 23:23, 24:8 .
minute 20:23 .	necessarily 34:8 .	obtain 14:9, 16:20, 17:25 .	originally 4:2 .
missed 27:7, 27:9 .	necessary 29:23, 33:6, 33:7, 41:24 .	obtains 20:12 .	others 18:2, 23:18 .
missing 28:22 .	need 3:14, 4:10, 14:21, 21:8, 26:5, 41:13 .	obviously 10:11, 13:4, 18:20, 22:8, 38:24 .	Otherwise 6:13, 9:21 .
mistake 22:17 .	needed 32:7, 35:21, 36:5 .	occurs 37:21, 40:23 .	ounce 14:2, 22:21 .
mistaken 38:17 .	needs 27:1, 29:15, 29:21, 29:25 .	off. 27:23 .	ounces 14:2 .
misunderstandings 4:15 .	neglect 39:25 .	offender 28:4 .	outfit 21:15 .
Mitchell 46:2, 46:16 .	nevertheless 34:9, 41:1, 41:5, 41:9 .	offense 6:9, 6:23, 7:5, 7:12, 7:13, 9:15, 10:7, 10:8, 10:20, 11:8, 12:10, 13:9, 15:12, 15:13, 15:21, 18:3, 18:18, 24:12, 24:22, 25:2, 26:5, 26:7 .	outlines 15:25 .
MO. 27:25 .	next 15:22 .	Office 1:30, 1:39, 44:20, 45:2, 45:13 .	outside 17:7, 32:4 .
modality 44:5 .	No. 1:9, 4:20, 22:25 .	Officer 1:45, 44:4 .	outstanding 36:15, 45:11 .
Mom 17:9, 20:5, 22:22 .	none 36:11 .	officers 13:15 .	overall 10:19 .
Money 11:19, 13:16, 14:10, 17:4, 17:15, 17:19, 22:13, 27:21, 27:22, 28:1 .	nonetheless 42:22 .	Official 46:1, 46:17 .	own 13:24, 23:24 .
monies 42:14 .	normal 39:24 .	Okay 5:7, 6:12, 14:18, 19:12, 21:18, 36:23, 45:6 .	.
months 24:25, 25:4, 26:19, 29:13, 29:16, 29:24, 30:4, 31:22, 32:17, 38:14, 39:1, 41:17, 41:25, 42:5 .	North 1:40, 32:22 .	old 39:21 .	< P > .
morning 2:4, 2:6, 2:13, 2:15, 2:17, 2:18 .	NORTHERN 1:3 .	Once 10:23, 17:25, 22:19 .	package 17:1, 17:8, 22:23, 27:9, 27:15, 27:24 .
mother 8:19, 17:2, 17:3, 17:5, 17:10, 17:13, 27:10 .	note 4:24, 40:4, 42:7, 43:19 .	One 8:3, 8:17, 10:13, 10:23, 14:13, 14:14, 14:15, 15:2, 17:6, 20:11, 21:16, 26:1, 26:17, 34:12, 36:15, 37:1, 38:9, 38:10, 40:3, 41:18, 45:10 .	page 46:7 .
motion 31:8, 31:10 .	Noted 42:17 .		pandemic 34:6 .
motions 31:6 .	notes 1:49 .		panel 36:15, 45:11 .
move 7:9, 39:9 .	noteworthy 40:24 .		paramour 40:21 .
moved 4:5 .	notice 44:16 .		parcel 16:14 .
moving 44:24 .	noting 25:14 .		part 5:19, 7:19, 16:14, 17:13, 34:11, 38:17 .
MR. ROMANO 6:13 .	notwithstanding 17:21 .		participate 44:2 .
MRI 31:8 .	number 5:11, 11:20 .		participation 44:4 .
MS. MURRAY 34:21, 34:25, 35:15, 36:18 .	numeral 25:1 .		particular 10:23, 12:5, 15:20, 24:3, 44:10 .
	nurse 35:16 .		path 11:22 .
	.		Patricia 46:2, 46:16 .
			pay 8:16, 42:13 .

paying 43:23 .	Postal 1:46, 2:9, 8:14, 17:7, 17:8, 17:22 .	properly 37:9 .	reach 44:20, 45:1 .
Pecukaitis 1:46, 2:10 .	prepared 43:3 .	prosecuted 27:11 .	reached 11:20, 13:1, 42:7 .
Pending 15:7, 23:9 .	preponderance 9:9, 10:3, 12:4, 14:11, 14:24, 15:11, 23:16, 23:25 .	prosecution 19:21, 37:10, 37:16 .	reaching 45:12 .
people 16:15, 19:7, 30:8, 30:9, 33:25, 40:17 .	Present 1:45, 2:9, 24:22, 38:19 .	protect 26:9, 27:3, 28:8, 41:13 .	read 43:16 .
percent 33:19 .	presented 11:13 .	provide 26:7 .	readily 41:3 .
Perez 22:2, 22:9 .	presentence 3:5, 4:10, 4:12, 6:20, 23:10, 24:17, 39:24, 43:14 .	provided 34:4 .	real 17:20, 26:25, 40:15 .
perform 32:10 .	presided 7:14 .	provider 44:5 .	really 21:10, 21:25, 44:24, 45:1 .
perhaps 28:14, 28:15 .	pretrial 21:2 .	provides 19:19 .	Realtime 46:3 .
periods 40:13 .	pretty 26:23 .	public 26:10, 27:3, 28:9, 41:13, 44:20, 45:2, 45:8, 45:13 .	reason 20:20 .
perjury 21:23 .	prevent 9:7 .	pull 39:10 .	Reasons 16:24, 21:8, 23:7, 30:10, 43:3 .
permanently 30:19 .	previous 24:23, 28:23 .	punishment 26:8 .	recall 7:21, 8:13, 17:6, 20:21 .
perpetrator 38:18, 41:10 .	previously 27:14 .	pure 12:6 .	recalls 10:12 .
person 9:14, 37:17, 40:20 .	primary 5:7 .	purpose 45:8, 45:13 .	receipts 15:16 .
personal 16:12, 16:17, 29:25 .	principle 10:2 .	purposes 2:25, 9:16, 11:5, 37:10, 41:25, 42:23, 44:22 .	receive 4:18, 9:15, 41:16 .
phone 19:8 .	prior 21:12, 26:14, 26:16, 28:4, 30:5, 30:19, 41:14 .	Pursuant 2:19, 6:21, 15:13, 16:3, 23:11, 46:5 .	received 4:15, 4:17, 12:15, 13:7, 24:24, 26:19, 35:18, 38:16, 40:5 .
physical 5:12, 30:1, 40:1 .	Prisons 29:2, 32:21, 33:2, 42:19, 43:6 .	put 15:14, 42:3, 45:9 .	recess 45:21 .
picked 11:18, 27:23 .	private 44:21 .	puts 25:2 .	recidivist 26:25, 28:20 .
picking 20:10 .	pro 4:19, 6:14 .	.	recollection 37:1 .
place 20:16, 33:8, 42:3 .	probably 31:20, 33:1, 36:8 .	< Q > .	recommend 28:13, 29:13, 32:21, 42:19, 44:7 .
placed 9:13, 29:6 .	Probation 1:45, 24:21, 30:6, 44:4 .	quantities 7:4, 16:10 .	recommendation 29:12 .
Plaintiff 1:7, 1:27 .	problem 27:21, 31:6, 31:15, 33:10, 36:18 .	quantity 6:9, 7:20, 9:5, 11:12, 11:14, 11:16, 11:25, 12:5, 15:20, 22:8 .	recommended 31:9 .
plan 27:19 .	problems 30:17, 33:10 .	question 24:6, 28:16 .	record 6:15, 11:4, 20:14, 21:12, 34:24, 40:21, 45:15 .
plea 8:9, 12:16, 12:21, 25:20 .	proceeding 25:21 .	quickly 38:8 .	recorded 45:14 .
plead 12:19 .	Proceedings 1:20, 45:22, 46:6 .	Quite 4:1, 28:7, 29:9, 29:12, 40:16 .	records 7:22, 7:23, 8:3, 14:6, 14:7, 15:3, 15:16, 23:22, 43:4 .
please 2:5, 3:7, 34:23 .	proceeds 22:14 .	quote 27:5 .	recovered 22:22 .
pled 8:7 .	process 38:7 .	.	reduced 5:14, 24:24, 26:19, 41:16 .
podium 34:19 .	produced 8:2 .	< R > .	reduction 13:8, 29:18, 30:2 .
point 9:24, 12:24, 22:1, 27:21, 33:6, 33:24, 34:6, 36:6, 36:20 .	productively 43:8 .	raided 18:25 .	references 16:11 .
pointed 9:2, 24:1, 24:10 .	program 44:3, 44:5, 44:8, 44:10 .	raise 24:12, 36:21 .	referring 4:21 .
points 4:15, 24:21, 25:1 .	prohibited 9:22, 9:23, 43:25 .	raising 39:23 .	reflect 26:6 .
policies 2:19 .	promote 26:7, 28:9 .	ran 17:8 .	reflected 10:20 .
policy 25:20 .	proof 10:2 .	range 9:19, 25:3, 25:7, 25:8, 25:12, 25:17, 26:1, 29:24, 41:17, 41:19, 41:20, 42:2, 42:8, 42:20, 42:21 .	reflecting 10:8 .
poor 39:25, 40:1 .	proper 12:10, 13:9, 31:5, 31:7, 31:15, 32:3, 35:8, 35:10, 36:5 .	rate 13:18 .	reflects 11:9, 26:16, 29:21 .
position 7:11, 10:19, 13:9, 29:6, 37:4, 44:16 .			
positive 39:16 .			
Possess 3:2, 15:19 .			
possession 6:22, 12:8 .			
possible 45:2 .			
post 20:18 .			

regard 6:8, 7:3, 7:12, 14:25, 29:3 .	resale 16:12, 16:18 .	scheme 21:5 .	September 32:11, 32:14 .
regarding 4:12, 5:8, 5:25, 11:13, 15:8, 24:2, 25:24 .	residence 8:19 .	scrambling 37:5 .	series 7:23 .
regardless 22:7, 28:25, 42:8 .	residential 44:7 .	se 4:19, 6:14 .	serious 28:16, 29:11, 40:22 .
Registered 35:16, 46:2 .	resold 16:21, 23:5 .	searches 22:23 .	seriously 42:1 .
regulations 44:3, 46:8 .	respect 13:19, 19:21, 26:7, 28:9 .	seat 2:3, 32:9 .	seriousness 26:6 .
reiterate 35:17 .	respectfully 30:11 .	seated 2:16 .	Service 8:15, 17:22, 33:21 .
related 5:12, 5:24, 33:21 .	responsibility 8:10, 34:10, 39:21 .	second 28:6, 42:10 .	services 34:4, 34:5 .
release 24:16, 25:7, 26:20, 29:20, 30:6, 41:19, 42:6, 43:11, 43:17, 43:20, 43:22 .	responsible 11:17, 11:23 .	section 9:12, 19:18 .	set 41:25 .
released 20:24, 32:2, 40:7 .	Restitution 42:13 .	secure 37:22 .	sets 26:3 .
reliable 12:25 .	result 2:23, 12:15, 13:8, 15:15, 15:20, 21:20, 24:11, 24:25, 30:20, 31:20, 38:15, 40:2, 40:6 .	secured 37:8, 37:11 .	several 4:1, 4:6, 4:24 .
relied 9:11 .	resulted 26:21 .	securing 37:25 .	shall 2:20, 9:13 .
rely 12:16, 13:24 .	resupplier 16:24 .	seek 44:21 .	She'll 45:10 .
relying 18:10 .	returned 10:15, 13:20 .	seeking 5:18, 19:17, 30:2 .	shocking 23:1 .
remain 2:20, 39:5, 43:2 .	review 3:18, 4:10, 4:11 .	seized 7:20, 8:15, 8:18, 8:21, 10:12, 10:17, 13:16, 14:19, 15:17, 20:4, 27:10, 27:16, 27:24, 42:15 .	short 27:15 .
remains 26:24 .	reviewed 5:21, 5:22, 6:4, 43:13 .	seizure 24:1 .	shot 27:6, 27:7, 27:9 .
remarkable 41:6 .	ring 23:2 .	seizures 15:15 .	shouldn't 21:24 .
remember 17:16 .	rise 34:7, 41:8, 45:21 .	self-incrimination 41:5 .	show 14:8, 15:3, 17:7, 17:19, 17:24 .
remembers 31:16 .	risk 34:2 .	self-represented 4:18 .	showed 7:23, 8:3, 8:16, 16:8 .
reminded 27:5 .	RMR 46:16 .	selling 18:22, 19:9, 21:18, 22:20 .	shown 26:23 .
remove 2:23, 6:15, 34:20 .	role 2:21, 2:23, 8:11, 18:3, 18:18, 38:21 .	send 27:19, 39:14 .	sick 40:17 .
rendered 12:1 .	Roman 25:1 .	sending 22:13 .	significant 12:15, 13:7, 14:8, 14:9, 29:1, 30:17, 38:14, 40:1, 40:12 .
rent 8:2 .	roughly 10:16 .	sense 13:25, 15:1, 28:3 .	significantly 26:9 .
rental 7:22, 7:24, 8:2, 14:7 .	ruined 28:24, 30:8, 40:20 .	Sent 3:19, 4:1, 16:19, 17:1, 17:17, 27:10, 32:21, 36:3 .	silent 39:5 .
repeated 26:20, 30:5 .	rule 18:14 .	sentence 5:14, 6:1, 9:16, 9:18, 24:24, 25:5, 26:2, 26:6, 27:1, 27:13, 28:5, 28:12, 29:15, 29:16, 29:22, 30:3, 30:4, 30:11, 38:13, 38:22, 39:1, 40:6, 41:16, 41:23, 42:7, 42:20, 43:1 .	single 22:21 .
reply 13:11, 18:14 .	rules 38:6, 44:3 .	Sentencing 1:21, 2:10, 2:25, 4:2, 4:17, 4:19, 5:8, 5:19, 5:22, 6:4, 6:10, 9:3, 9:7, 9:17, 9:25, 13:8, 15:25, 19:17, 19:22, 20:23, 21:23, 22:2, 25:12, 25:21, 25:24, 28:11, 38:20, 43:4, 43:5 .	sir 2:17, 4:13, 5:2, 5:9, 5:15, 5:19, 31:1, 32:11 .
report 3:5, 3:9, 3:15, 3:18, 4:10, 4:13, 6:20, 23:10, 24:17, 26:16, 39:24, 43:14 .	run 42:6 .		sit 3:7 .
Reporter 46:1, 46:2, 46:3, 46:17 .	sale 18:23, 19:3 .		slow 29:20, 41:9 .
represent 2:16, 44:25 .	sat 35:21, 36:1 .		snitch 41:11 .
Representing 2:8 .	satisfied 4:11, 9:9 .		society 41:16 .
request 18:8, 33:4 .	saw 14:13, 14:14 .		sold 18:25 .
requested 16:13 .	saying 45:15 .		solely 13:7 .
requesting 16:3 .	says 9:18, 20:13 .		somebody 31:11, 33:13, 41:12 .
requests 23:10 .	scale 16:11 .		soon 45:2 .
	scenario 20:6 .		sorry 3:11, 36:23 .
	schedule 32:8, 32:9 .		sort 6:4 .
	scheduled 4:2 .		sorts 19:1 .
			source 8:9, 22:14 .
			Southwest 18:24 .
			speaking 2:21, 2:22, 31:13, 34:20, 38:3 .

special 25:9, 39:14, 41:21, 42:18, 43:20, 43:22, 43:23 .	subpar 33:18 .	32:6 .	26:24, 41:3 .
specific 11:25 .	subsequent 15:9 .	term 24:15 .	training 44:11 .
specificity 11:19 .	Subsequently 35:19, 35:22, 36:5 .	terms 14:3, 22:8 .	TRANSCRIPT 1:20, 46:6, 46:7 .
speculate 12:25, 13:22, 14:12, 14:21, 14:22 .	substance 43:24, 43:25, 44:2 .	Terrell 16:6, 18:1 .	transcription 1:49 .
speculated 11:16 .	substantial 29:14 .	test-i-lie 20:1 .	transferred 33:9 .
speculating 13:20 .	suffered 31:4, 31:21, 40:1 .	test-i-lie. 21:25 .	transport 8:5 .
speculation 11:22, 12:6, 13:19, 14:17 .	suffers 30:19 .	testified 7:16, 12:14, 19:4, 22:4, 23:6, 23:21, 24:9 .	transportation 15:15, 23:15 .
speculative 11:14 .	sufficient 8:16, 29:22, 41:24 .	testify 11:19, 12:17, 19:25, 21:24 .	transported 7:18 .
spell 34:24 .	sum 5:17 .	testifying 5:1, 23:13, 37:23, 40:25 .	transporting 7:25 .
spending 29:1 .	summarized 5:24, 6:14 .	testimony 7:15, 7:19, 7:25, 8:6, 8:13, 11:15, 12:15, 12:24, 13:7, 13:14, 14:5, 15:16, 18:10, 18:21, 19:11, 21:19, 21:25, 22:5, 22:9, 22:10, 22:12, 23:24, 27:12 .	treated 31:12 .
spite 12:4 .	summary 16:22 .	testing 43:24, 44:1 .	treatment 31:10, 31:14, 32:4, 33:5, 33:18, 34:9, 35:18, 36:2, 36:5, 36:10, 41:8, 41:9, 44:2, 44:8 .
spoke 3:12 .	supervise 44:4 .	Thompson 7:16, 8:22, 10:14, 11:14, 12:24, 13:6, 14:1, 16:6, 16:19, 19:5, 20:6, 20:14, 22:22, 23:4, 23:21, 26:13, 28:25, 38:8 .	trial 2:12, 3:3, 5:2, 7:15, 15:14, 16:7, 18:20, 31:17 .
spoken 4:1 .	Supervised 24:16, 25:7, 26:20, 29:20, 30:6, 41:19, 42:6, 43:11, 43:17, 43:20, 43:22 .	though 34:1 .	trip 11:18 .
stabbed 31:23, 31:24, 35:23, 37:2, 37:15 .	supplement 4:19 .	three 3:1, 3:22, 25:6, 26:21, 29:18, 30:17, 36:21 .	trips 7:16, 7:23, 8:4, 14:6, 15:1, 15:3 .
stabbing 40:3, 41:12 .	supplemental 5:22 .	threw 33:21 .	TRU 8:20, 17:10 .
stand 20:2, 22:17, 27:12, 41:3 .	supply 8:10, 22:14 .	throughout 39:16 .	true 46:5 .
standard 10:2, 43:17, 43:21 .	supplying 16:17 .	Title 9:12, 26:3, 28:10 .	try 17:25, 37:5 .
standpoint 30:1 .	support 18:3, 20:17, 36:25 .	titles 19:1, 22:24 .	trying 21:3, 21:14, 32:3, 38:8 .
stands 45:21 .	supports 12:6, 24:4 .	today 4:5 .	Tucson 7:17, 7:24, 10:15, 16:19, 27:19 .
start 6:18, 10:22, 11:14, 35:3 .	Supreme 9:2, 9:7, 9:11, 9:22, 21:21 .	took 20:2, 37:17 .	Two 3:22, 5:7, 14:2, 15:3, 17:6, 17:17, 18:12, 23:10, 28:9, 30:16, 31:6, 32:10 .
started 35:23 .	surgeon 31:13 .	top 17:1, 29:19 .	two-level 4:25, 18:9, 18:19, 19:18, 19:22 .
starts 20:11 .	surgeons 32:9, 32:10 .	tore 31:3 .	type 6:24, 14:16, 15:8 .
state 30:6, 34:23, 40:8 .	surgery 32:8, 32:10, 32:14, 32:18, 36:7 .	torture 32:3 .	.
stated 21:22 .	surprised 38:3 .	total 5:17, 14:24, 24:20, 26:21, 41:22 .	< U > .
Statement 12:19, 43:3 .	surprising 23:2 .	totality 13:23 .	U.S. 1:46, 2:9, 8:14, 10:1 .
States 1:1, 1:5, 1:30, 2:7, 2:8, 9:2, 9:12, 10:1, 21:21, 22:2, 43:5, 43:6, 46:3, 46:9 .	surveillance 20:9 .	touch 20:23 .	Ultimately 31:23, 32:20 .
statutory 9:12 .	suspect 11:25 .	touched 26:17 .	unaware 38:4 .
stenographically-reported 46:6 .	sustain 28:16, 29:11 .	towards 20:22 .	underlying 14:20 .
stereotype 1:49 .	system 40:5 .	Tracy 34:16, 34:21, 34:25, 39:14 .	understand 12:2, 13:2, 14:18, 33:15, 36:12, 37:14, 37:18, 38:1, 38:23, 41:7, 42:3 .
stockholder 8:20 .	.	trade 40:24 .	
stolen 21:18, 22:24, 23:2, 23:4, 23:15, 41:2 .	< T > .	trafficking 20:2, 20:3, 22:5, 26:21, 41:22 .	
stop 7:21, 27:24, 28:2 .	T-r-a-c-y 34:25 .		
stored 37:11 .	table 2:9 .		
Street 1:31, 1:40, 29:10 .	tamper 44:1 .		
strength 36:13 .	tangible 11:24 .		
submit 43:24 .	telephone 36:1 .		
	tempers 29:12 .		
	tendon 31:4, 31:14, 32:6 .		

understanding 25:14,
 31:12, 31:19, 32:24,
 38:16, 38:17, 38:19 .
understands 19:24,
 29:5 .
Understood 18:11,
 38:2 .
undeterred 26:24 .
unfortunate 26:15 .
unfortunately 38:10 .
United 1:1, 1:5, 1:30, 2:7,
 2:8, 9:2, 10:1, 21:21,
 22:2, 43:5, 43:6, 46:3,
 46:9 .
University 32:2 .
unless 2:20, 9:21 .
until 20:15, 26:14, 32:14,
 32:16 .
untruthful 19:11 .
upside 33:22 .
upwards 7:18 .
using 17:15, 17:20 .
utilizing 14:24 .
 .
 .
< V > .
v. 9:2, 10:1, 21:21,
 22:2 .
vaccinated 2:21, 2:22,
 6:16, 11:4, 30:19, 34:2,
 34:20, 39:10 .
vaccine 33:25 .
vaxxed 34:21 .
vehicle 19:1, 20:11 .
vehicles 18:24, 23:15 .
verdict 8:24, 9:4, 11:9,
 11:22, 12:1, 12:3, 12:5,
 13:20, 15:10 .
verdicts 38:23 .
versus 2:7 .
VI 25:1, 25:3 .
video 37:7, 37:11, 37:21,
 37:22 .
view 3:4 .
violation 21:2, 29:19 .
violations 26:20, 26:22,
 30:5 .
violence 40:22 .
violent 28:17 .
virus 34:3 .

visits 3:22, 4:6 .
vocational 44:11 .
vs 1:8 .
 .
 .
< W > .
waiting 17:7, 36:1 .
wake 40:19 .
Walton 16:6, 18:1, 37:2,
 37:8, 38:16, 38:21,
 38:24 .
wanted 3:25, 28:24 .
warranted 9:19, 16:25 .
warrants 30:2 .
Watts 9:3, 9:11 .
weather 8:4 .
welcome 36:18 .
whatever 22:25, 30:3, 33:6,
 37:7 .
Whether 7:4, 9:19, 15:22,
 17:2, 21:10, 25:22,
 45:3 .
whole 21:5, 24:7 .
will 7:21, 8:13, 15:20,
 16:24, 17:6, 24:11,
 24:12, 28:7, 28:13, 33:6,
 41:25, 42:5, 42:17,
 42:18, 43:2, 43:3, 43:4,
 44:4, 44:15, 44:16,
 44:24, 45:3, 45:11,
 45:12, 45:16 .
willfully 19:19, 22:16,
 23:6 .
Winston 27:5 .
wiretap 16:8 .
within 4:23, 9:19, 23:18,
 25:1, 42:20 .
Without 40:11 .
witness 12:25, 22:7,
 27:12 .
witnesses 13:15 .
woman 21:11 .
word 28:3 .
words 24:15 .
work 21:12 .
world 27:6 .
worse 33:12 .
writing 45:9 .
 .
 .

< Y > .
yanked 21:1 .
years 9:2, 25:6, 25:8,
 26:22, 29:14, 29:16,
 29:19, 30:4, 30:12,
 35:16, 38:14, 38:16,
 39:21, 41:16, 41:20,
 42:6 .